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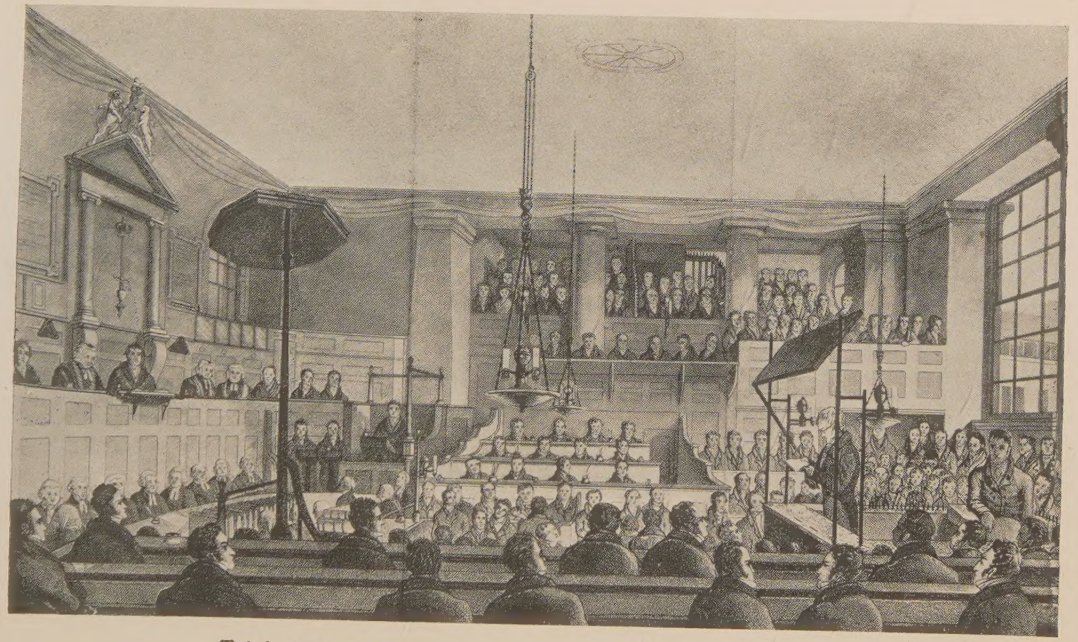

Trial of Henry Fauntleroy at the Old Bailey Sessions House.

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Trial of
Henry Fauntleroy

And Other Famous Trials for Forgery

[1824]

EDITED BY

Horace Bleackley, M.A.(Oxon)

Author of "The Life of John Wilkes"

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PREFACE.

THERE are four principal reasons why our grandfathers and great grandfathers were thrilled by the trial of Henry Fauntleroy.

(α) The criminal was a gentleman of position.

(β) He had the reputation of Don Juan.

(γ) His forgeries were on the most colossal scale ever known.

(δ) The public was beginning to doubt whether the capital penalty should be inflicted except in convictions for murder.

In the preface to his admirable study of the Gillshill Murder Mr. Eric Watson has pointed out that the trial of Thurtell and Hunt was the first trial "by newspaper," and a similar remark may be made with regard to the trial of Henry Fauntleroy. Never before had an accused man been condemned by the press so unanimously and with such a multiplicity of detail previous to his appearance in the dock; but Sir Alan Park, who also had been the presiding judge at the trial of Thurtell and had spoken emphatically in condemnation of the prejudice that had been raised against the prisoner, had little to say in censure of the newspapers for their treatment of the Berners Street banker. And the little blame that he had to bestow was called forth merely by the protests of the accused man and was qualified by an "if."

I have to thank several persons for kind information: Sir John Hall, Bart., for the loan of some of Fauntleroy's letters; Sir Henry Farnham Burke, Garter King of Arms, for giving me access to the Fauntleroy pedigree at Herald's College; Mr. R. F. Scott, Master of St. John's College, Cambridge; Mr. H. V.

Oliver, for the loan of the Kerie pedigree; Mr. A. H. Thomas, Record Office, Guildhall, for particulars of dead and forgotten officials; Mr. J. J. Lambert, clerk of the Skinners' Company; Mr. Robert Pearsall of Hampton Hill; Miss Gertrude Robertson, grand-daughter of Divie Robertson; Mr. H. E. Steed, honorary secretary of the Old Tonbridgian Society.

My friend, the late Sir Willoughby Maycock, also furnished me with several interesting particulars.

HORACE BLEACKLEY.

19 Cornwall Terrace,
Regent's Park, N.W.,
November, 1924.

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HENRY FAUNTLEROY.

INTRODUCTION.

During the last years of the eighteenth century, and through the first and second decade of the nineteenth, "the Berners Street Bank," which occupied the premises of No. 6 Berners Street, London, had the reputation of a safe and solid business. Like all establishments of its kind, the number of its partners was limited by law out of deference to the monopoly of the Bank of England—for in those days no more than six persons were permitted to "unite in covenants or partnerships to borrow, owe, or take up any sums of money on their bills or notes payable on demand"—and in this particular firm there were only four proprietors. When its name first appears in the London Directory, as well as in the books of the local rate collector, these four partners were Messrs. De Vismes, Cuthbert, Marsh, and Creed, but all, except Mr. Marsh, had retired before 1797, and from this time onward the members of the firm were Messrs. Marsh, Sibbald, Stracey, and Fauntleroy.[1]

Of these gentlemen, Sir James Sibbald of Sillwood Park, Berkshire, an official of the E.I.C., and a man of capital, was created a baronet in the year 1806; and his connection by marriage, Josias Henry Stracey, was the son of Sir Henry Stracey, Bart., of Rackheath Hall, Norfolk, so the house had the prestige both of rank and commercial integrity. William Marsh, too, originally a "victualler, dealer, and chapman," of Rochester—although unlucky enough to become bankrupt at one period of his life—was able to bring £40,000 into the firm, and, owing perhaps to the help of his three successive wives, who were all women of property, he had succeeded in establishing a lucrative Naval Agency of his own.[2]

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[1] "Handbook of London Bankers," F. G. Hilton Price, p. 92; Marylebone Rate Books.

[2] Files of the High Court of Justice in Bankruptcy; *Morning Chronicle*, 9th and 12th November, 1824; *British Press*, 11th April, 1825.

William Fauntleroy, however, the managing partner, was the brains of "the Berners Street Bank." Commencing his business career, so it is said, as a wine merchant in London Street in the city, he afterwards became a clerk in the great house of Barclay, where he was holding a position of trust, when he was persuaded by Messrs. Marsh and De Vismes, in the year 1792, to join them in their new enterprise. At that period he was forty-three years old. He had married (on the 17th June, 1780) Miss Elizabeth Kerie, the young daughter of Ravel Kerie, a prosperous planter in the island of St. Christopher, West Indies, and was the father of four children.[1]

Still, in spite of his energy and acuteness, William Fauntleroy did not meet with the success he deserved. The times were unpropitious to the building up of a large private banking business. With the commencement of the long war with republican France, commerce had fallen upon evil days. Panic succeeded panic as the years went on. One great commercial house after another came down with a crash. Paper money grew abundant, there was a fall in exchange, the banks were drained of their bullion. In the year 1797, Parliament was compelled to suspend cash payments. It is to the credit of the manager of the Berners Street establishment that, although his firm possessed comparatively slender resources, he succeeded in weathering the storm.

The stress and anxiety of the long struggle shortened the man's life. On 22nd March, 1807, he died at No. 7 Berners Street, the house next door to his bank, whither he had removed in the previous year, in order to be close to his place of business. He was in his fifty-eighth year, and he left £12,500, administration of which, since he had made no will, was granted to his widow.[2]

None of the three surviving partners was capable of undertaking the management of the concern. Sir James Sibbald was an elderly man, William Marsh had been bred to another form of business, while Mr. Stracey was a country

---

[1] Fauntleroy pedigree, Herald's College; *Times*, 1st December, 1824.

[2] *Gentleman's Mag.* (1807), I., 385; Marylebone Rate Books; Somerset House Records.

gentleman of little commercial experience, who owed his connection with the firm to family influence. However, the choice of a successor to the late manager was not difficult. His eldest surviving son, Henry Fauntleroy, now in his twenty-third year, had been a clerk in the bank since 1800, and was both able and willing to step into his father's position. A grave and earnest young man, with an uncanny genius for figures, he seemed a perfect type of the industrious apprentice. In spite of his youth, his knowledge of banking was already profound, and he inspired confidence in all those with whom he had business transactions. So Messrs. Marsh & Co. offered him a partnership, and made him their manager, regarding him as a worthy son of a worthy father.

Indeed, all the three sons of William Fauntleroy appeared to be young men of character. The eldest of them, William Moore Fauntleroy, who died of consumption in November, 1803, when only twenty-two years old, and was honoured by an obituary notice of two columns in the *Gentleman's Magazine*, is said to have been a youth of brilliant genius.[1] Henry, the young bank manager, although he did not possess his brother's scholarship, having left school for the counting-house at the age of sixteen, was a youth of refinement and artistic taste; while John Julius, the youngest, who was perhaps the least talented of them all, was staid, conscientious, and persevering.

It was not strange that they should have been worthy young men, for they came from a sound old stock. In the sixteenth century the family were lords of the manor of Fauntleroy's Marsh, at Folke, in Dorsetshire, and tradition says that they took their name, *L'enfant le Roi*, from being the natural issue of King John of France, the prisoner of the Black Prince.[2] One of the branches, descended on the female side from the Lords Stourton, was established for more than a hundred years at Crondall, in Hampshire. Emigrating thence to Boreham, in Essex, during the seventeenth century, some of the sons took to trade; and one of them, viz., Henry Fauntleroy, of Virginia Street, in the parish of St. George's

[1] *Gentleman's Mag.* (1803), II., 1092-3.
[2] "History of Dorset," John Hutchins, IV., 180-1; Family Tradition.

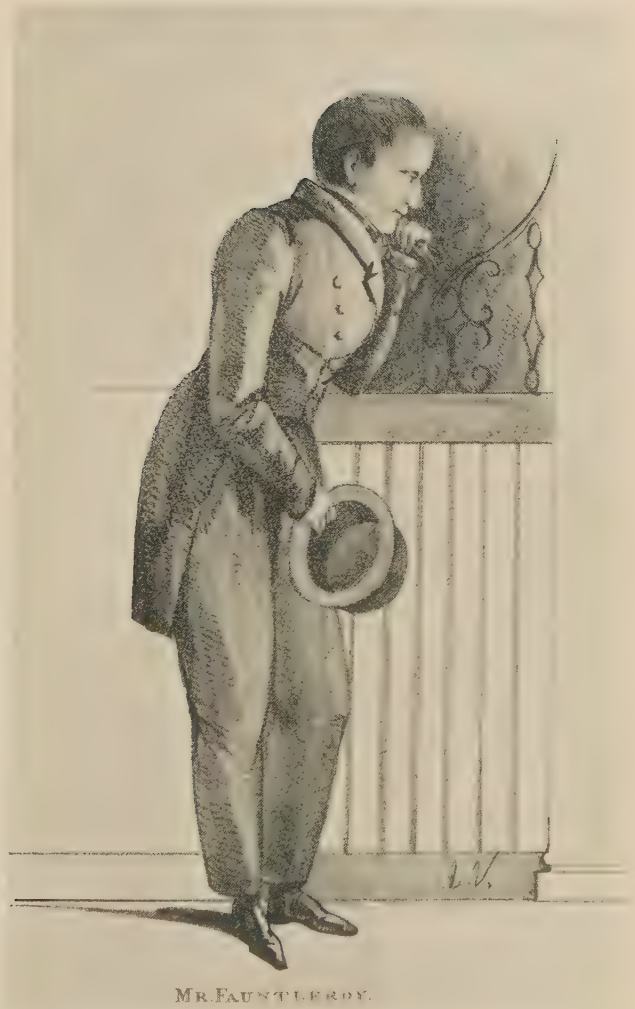
in the East, a merchant of London, who died on 10th February, 1757, was the grandfather of William Fauntleroy's three boys, and from him, Henry, the youthful bank manager, took his name.

From the first, the young man's devotion to business won the admiration of his friends. He was the first to enter the bank in the morning, he was the last to take his departure at night. He is said to have been able to do the work of three clerks. Trusting him implicitly, the partners were content to leave the whole conduct of the establishment in his hands. For the sake of convenience, he continued to live next door to the bank at No. 7 Berners Street with his widowed mother, his sister Elizabeth, and his brother John. It was a quiet, well-ordered household, for the last generation of Fauntleroys had been rigid Nonconformists, and the children had been brought up in the odour of sanctity.

In appearance, Henry Fauntleroy was a somewhat remarkable young man. Often in repose his placid clean-cut features seemed to betoken merely a simple and gentle disposition, but a close inspection would reveal a picture of resolution and strength. Indeed, the massive brow, the broad cheek bones, and the firm bold contour of the chin suggested a strange likeness—one that he sought to emphasise by the close-cropped hair trained to droop over the forehead. It was a foible of his, this belief that he bore a resemblance to the great Bonaparte—whose bust adorned his mantelshelf in the dining room at No. 7 Berners Street—and his vanity aspired to be regarded by the world at large as a Napoleon in commerce. In most respects he was an incomparable egotist.

As time went on Henry's difficulties in business became more formidable even than those of his father. Since England was at war again with France, the scarcity of money still continued. It had been the practice of the house of Marsh & Co. to make advances to contractors for building speculations, and the failure of one of these firms, Messrs. Brickwood & Co., in 1810, involved the Berners Street Bank in a loss of £60,000.[1] Although its deposits increased year

[1] *Morning Herald*, 4th December, 1824; *Morning Post*, 20th December, 1824; *British Press*, 20th December, 1824. These were the official figures of the Commissioners in Bankruptcy.



Mr. Fauntleroy.

by year, for its customers seemed to have had unbounded faith in its stability, it was almost on the verge of bankruptcy.

It was during this period that Henry Fauntleroy was unlucky enough to make an unhappy marriage, the true story of which is wrapped in mystery, though scandal has propagated many highly-coloured details. His bride was Susannah Marianne Young, the youngest daughter of the late Captain John Young, R.N., a sturdy sea-dog, who had distinguished himself during the Mutiny at the Nore. Captain Young had served in the West Indies and had possessed property at St. Kitt's, where he became acquainted with the Kerie family, which brought about a friendship between his children and the young Fauntleroys.[1] It has been said that Miss Young was about to become the mother of Henry Fauntleroy's child previous to their marriage, which, indeed, was not contemplated by her seducer until insisted upon by her brother Robert under threat of a duel in order to save his sister's honour. Whether or not this is true, it is certain that the pair separated soon after the wedding, the breach occasioned either by incongruity of temperament or the discovery of Fauntleroy's infidelity. The offspring of the union, a son, who was born on 19th October, 1809, and christened Henry in the chapel of King Charles the Martyr at Tunbridge Wells on 6th December following, remained in the custody of the wife, who returned to her mother's cottage at the Kentish Spa.

This brief lamentable interlude having come to an end, Fauntleroy continued to live on as before in the serene Nonconformist atmosphere of No. 7 Berners Street. But a change had taken place in his manner of life, accelerated possibly by his matrimonial mishap, but inevitable sooner or later by reason of his proclivities. Sensual and voluptuous by nature, he began to plunge from one amour into another, always maintaining in secret some expensive mistress. And all the time he remained ostensibly the

[1] Captain John Young died 12th November, 1797, while in command of H.M.S. *Overyssel*, gunship in the Downs. His wife, Frances, *née* Malcolm, who died in December, 1824, belonged to the Malcolms of Dumfries. *Gentleman's Mag.* (1797), II., 989; will of Captain John Young, 777 Exeter; Admiralty Records; private information.

devout son and the inflexible man of business, his peccadilloes being known only to a pleasure-loving band of boon companions.

In spite of the embarrassments of his bank, Henry Fauntleroy was never short of money. Up to the year 1814, when he was thirty years of age, the firm of Marsh & Co. continued to pay substantial dividends to its partners. Such distributions were not justified by sound finance, but the young manager was an incomparable juggler with figures and managed to sail close to the wind with amazing dexterity. His salary, too, was a first charge on the establishment, while his mother owned the house next door and had a private income of her own, so his board and lodging was provided economically, leaving him ample funds for expenditure on his pleasures.

At last there came a day, about the time of the battle of Waterloo, when ruin seemed inevitable. His firm were called upon to fulfil their obligations to speculative builders, and, in addition, Fauntleroy himself in conjunction with his partner, Josias Stracey, was committed to large investments in real property on the Portman estate.[1] Unless Messrs. Marsh & Co. could obtain advances they were insolvent. But the Bank of England, scenting danger, began to refuse their acceptances, and so their credit was exhausted. The young manager had only two alternatives: either to suspend payment and to submit to a disastrous bankruptcy, or to utilise without scruple all the financial resources at his command. To a man of his temperament the first course was unthinkable. As one of his most severe critics has pointed out, "he had not enough moral courage to face the world in honest, brave poverty."[2] He could not tolerate the humiliation of sacrificing his position, and the prospect of losing his substantial income must have filled him with dismay. No doubt, too, he was confident that he would conquer his difficulties in the end, if given time to persevere until trade took a favourable turn. It must have seemed

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[1] "The Squares of London," E. Beresford Chancellor, p. 278; *cf. British Press*, 17th January, 1825.

[2] "Old Stories Retold," Walter Thornbury, p. 372.

preposterous to him—capable financier that he was—to accept defeat as long as there remained a chance of final triumph, however remote the possibility and however desperate the risks he might run. And so he adopted the second alternative, although in doing so he threw honesty to the winds and was obliged to adopt the frightful expedient of forgery. And at that period the penalty of forgery was death in the public street at the hands of the common hangman!

Nothing could have been more audacious than his mode of procedure. In those days, as at present, the depositors of a bank were in the habit of having the dividends of their investments paid direct into their current accounts. Among the clients of Messrs. Marsh & Co. were innumerable holders of Consols, long and short annuities, Navy loans, and other Government securities. Fauntleroy had a list of their stocks and was familiar with all their signatures. Whenever it was necessary to supplement the funds of his house he forged the name of one of his customers upon a power of attorney, imitated the handwriting of two of his clerks as witnesses, and presented the fraudulent document, which authorised the transfer of the particular investment to his own brokers at the proper office in the Bank of England. In every case the device was successful. The stock was transferred to the broker, who sold it in the open market, and the proceeds were placed to the credit of the Berners Street Bank. All the persons concerned regarded the affair as an ordinary business transaction.

The defrauded proprietor was never allowed to discover the theft. As his dividends became due he was credited with them as usual in his pass-book. If he gave instructions for the sale of his stock the exact amount was replaced by Fauntleroy, so that there was no evidence that it had been tampered with when the time came to realise it. It was the same if one of the proprietors happened to die. Before his executors took charge of his estate the dexterous forger had repurchased the requisite holding of consols or annuities, which were registered once more in the name of their former owner in the books of the Bank of England. Obviously the frauds needed the most watchful and incessant care, but

Fauntleroy could not be caught napping. He kept control of the private ledger of the bank, and had the other books written up to agree with it. Not one of his clients ever became aware that his capital had been stolen.

Naturally, during the course of this career of crime there were many narrow escapes; but, having begun to embezzle, Fauntleroy was obliged to go on, or else he would have been found out. On one occasion he was handing over a power of attorney for the transfer of stock to one of the clerks in the 3 per cent. Consols office at the Bank of England, when the person whose name he had forged—the proprietor of the stock—walked into the room. Yet Fauntleroy's presence of mind did not fail him. Directly he perceived the new-comer, he requested the clerk to return the document, with the excuse that he wanted to correct an omission. Then, having secured the paper, he went to greet the friend, whom he was about to rob, and they strolled out of the bank together. Another day, one of his lady clients instructed a London broker to sell some stock for her. Finding no such investment registered in her name the man called at Berners Street to make inquiries. To his surprise the plausible banker informed him that the lady had already desired him to effect the sale. "And here," continued the smiling Fauntleroy, producing a number of Exchequer bills, "are the proceeds." Although his customer protested that she had never authorised the transaction, the matter was allowed to drop. While a friend was chatting in his private office he is said to have been imitating his signature, which he took out to the counting-house before his friend had departed. One of the last occasions when he visited the Bank of England was on the day that Thurtell[1] and Hunt were tried for the Gillshill murder. While the clerk was crediting the dividend warrants due to his firm the banker conversed about the crime. It was noted as a strange coincidence that this clerk[2] was one of the principal witnesses against him.

None but the most clever book-keeper could have carried

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[1] John Thurtell (1794-1824). Hanged at Hertford for the murder of William Weare. Notable British Trials Series.

[2] No doubt Robert Browning, father of the poet.

through these intricate transactions with success. but Fauntleroy seems to have perpetrated his frauds with as much ease as he conducted his ordinary business. As time went on he perfected his system until he had reduced his methods of forgery almost to an exact science. Yet, every day the deficit of his bank grew larger, for money had to be provided for the payment of dividends to the depositors whose stocks had been stolen, and large sums were lost owing to the necessity of reinvesting constantly in the various securities sold under the false powers of attorney in order to avoid detection. Forgery was used to cover forgery until eventually nearly £400,000 worth of Government stock had been appropriated. An annual sum of £16,000 was required to pay dividends to the persons whom he had robbed. Such was Fauntleroy's dexterity that the stability of his firm was never in doubt. Both in the city and the west end, Messrs. Marsh & Co., the Berners Street bankers, was believed to be as sound a house as any private bank in the country. And the officials at the Consols office in Threadneedle Street, where each power of attorney was presented, remained wholly unaware that there was any irregularity in the frequent transfer of stock, and continued to accept the forged signatures in perfect good faith.

Like all of his kind, Henry Fauntleroy became more profuse and reckless in his private expenditure as he plunged deeper into crime. Ever anxious for social success, he was fond of lavishing dinner parties upon acquaintances, and his wines and cuisine were famous among his set. At the dances, which he gave now and then, there were always many handsome women, and his men friends, in consequence, were eager to accept his invitations. His horses and carriages were of the smartest, and he was vain of his reputation as a connoisseur, expending large sums upon pictures and engravings. It was his hobby to extra-illustrate books, and he was especially proud of a "grangerized" copy of Pennant's "London," which contained two thousand prints and drawings.[1] His library at No. 7 Berners Street cost him several thousand pounds. Naturally, he was regarded as a very wealthy man.

[1] Catalogue of the Fauntleroy Library, sold at Sotheby's, 11th April, 1825. The copy of Pennant's "London" is now in the Soane Museum.

For many years he had a country place at Hampton-on-Thames, where he rented a villa known as Parkbrooke, a picturesque old red-brick house in the London road, with tiled roof and mullioned windows, built in the time of Charles II. Here it was his custom to entertain his favourite friends, driving them down in his barouche after the theatre on a Saturday night for a festive week-end. But he never failed to appear at the bank when it opened on Monday morning, lest danger might threaten and oblige him to take steps at once to prevent the discovery of one of his forgeries. And naturally the recipients of his hospitality were kindred spirits —men who led similar lives—for his concubine of the hour was often one of the guests.[1]

Although his reputation as a roué became notorious at last in the city, it did not injure his position in business in the slightest degree. In the days of Tom and Jerry, manners were free and unconstrained, and the staid merchant and respectable banker, as long as they were young men, were not ashamed to pose as "slap-up" Corinthians in their hours of leisure. The prize-ring and the cock-pit were patronised by the most eminent, both in society and in commerce, and these were not thought of any the worse because they were in the habit of driving a smart gig with a "lady bird" on the box seat. This phase of life, depicted in Pierce Egan's "Life in London," is corroborated by the writers of memoirs of the period.

One of the most famous of Henry Fauntleroy's mistresses was Mary Bertram, *alias* Kent, styled "Mrs. Bang" because she was "bang-up" or smart of the smartest among the "lady birds," in the familiar slang of the day. This woman, who hailed from Brighton, lives to fame as the prototype of Egan's "Corinthian Kate," the favourite of "Corinthian Tom."[2] Perhaps it was her charms that first allured Fauntleroy to the fashionable watering-place. At all

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[1] Fauntleroy was living at Hampton at least as early as 1816. *Vide* Vestry Minutes in the possession of Mr. C. W. Kent. *Cf. Notes and Queries*, 8 S., X., 173. For a description of Parkbrooke I am indebted to Mr. Robert Pearsall, of Hampton Hill.

[2] "True History of Tom and Jerry," Charles Hindley; *cf.* Life of Mrs. Bertram (Duncombe, 1831), pp. 1-22; "The English Spy," Bernard Blackmantle; *Times*, 24th September, 1st December, 1824.

events, so much was he attracted by it that he left his Thames Valley home and purchased a house in Western Place, Brighton, where he took up his abode towards the end of 1821. It was an uncommon kind of residence, for, being built "in the purest Grecian architecture," all its apartments were on one floor, "in true villa style." There was a spacious conservatory, filled with orange trees, but the most unique room it contained was the billiard room—"probably the most elegant in Europe," according to an agent's panegyric—which was constructed "in facsimile of Napoleon's travelling tent," whatever that may mean. It was a comfortable abode, standing in its own grounds, but the view of the sea was obscured to some extent by intervening buildings. In memory perhaps of his former country house, he gave it the name of Hampton Lodge.[1]

About this period he grew tired of the dashing "Mrs. Bang," forsaking her for a young girl, named Maria Forbes, whom he is believed to have seduced while she was at a boarding school. A fair-haired beauty of winsome manners, she captivated the amorous banker so greatly that he made her a settlement of £6000, besides providing her with a villa in South Lambeth, as well as a generous annuity. This certainly was the least disreputable of his liaisons, for he seems to have been as much in love with Miss Forbes as a man of his nature could be, and she was deeply attached to him.[2] Yet, while so generous to the mistress, there is reason to suppose that he gave the neglected wife barely enough for ordinary comfort.

Notwithstanding the ease with which he was able to perpetrate his forgeries, the unhappy man lived a life of constant suspense. He was ever fearful that an unforseen accident might overcome his vigilance and betray him to justice. In after-years he confessed that he had always been racked by

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[1] Brighton Rate Books for 1822; *Notes and Queries*, 8 S., X., 246; *Times*, 17th December, 1824; *Brighton Gazette*, 6th January, 1825. The late Sir Willoughby Maycock identified the site of Hampton Lodge, which has been entirely modernised. [*Notes and Queries*, 12 S., XI., 67, 135, 196, 339.] It occupied the site of 140 Western Road.

[2] Statement of John Adolphus in the *Brighton Gazette*, 5th April, 1827. *Cf. Ramblers' Mag.*, April, 1827, pp. 180-2. It has been said that Miss Forbes's real name was Fox. Afterwards she took the name of Forrest.

"anxious terror and agonising apprehension," never knowing a moment's peace of mind. An acquaintance tells us that he was walking down Berners Street in company with a friend when they happened to overtake Fauntleroy, who was strolling along, deep in thought. One of them tapped the banker on the shoulder with the remark, "Hello, old fellow, what are you thinking of?" Starting like a guilty thing, the forger wheeled round, and his face, naturally without much colour, became white as death. "You almost frightened me out of my wits," he stammered.[1] He was living in dread of the grasp of a police officer. No doubt, it was this terrible suspense that had driven him into his deeper dissipations as an anodyne for his misery. Hence, his preference for Brighton in place of the quiet river-side village and his devotion to tempestuous ladies like the famous "Mrs. Bang." It was this feverish pursuit of pleasure that had been responsible for the ruin of his schoolgirl mistress. And as the years went on constant change and excitement were necessary to his existence. Each night, as soon as the bank was closed, he was obliged to seek the distraction of the play, or a ball, or a hilarious dinner party. And on every Saturday evening he dashed off to Brighton in a post-chaise in the company of some of his familiar friends, just as he used to go down to Hampton-on-Thames, to spend a profane Sabbath at his seaside villa.

At last, in September, 1824, after ten years of crime, the hour that he had dreaded came to him.

Because of his assured position and financial astuteness, Fauntleroy had often been chosen as an executor by many a wealthy testator. Thus, he had been a trustee of the estate of Benjamin West,[2] the president of the Royal Academy, and he had acted in a similar capacity on the death of John Julius Kerie—a relative of his wife—the rich West Indian planter. Recently, also, he had been named as one of the executors under the will of Lieut.-Colonel Frank William Bellis of Oxted, who died on 23rd January,

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[1] "Recollections of the Last Half-Century," Rev. John Richardson, II., 49.

[2] Benjamin West [1738-1820]. Dic. Nat. Biog.

Mr. Fauntleroy.

Engraved by Mr. Cooper from a Drawing.

1824,[1] leaving the sum of £46,000, invested in 3 per cent. Imperial annuities in trust for the benefit of his wife and family.

The two other trustees, Messrs. John Goodchild, of Elm Tree Road, and John Dacon Hume of Pinner's Park, Kent, in order to relieve themselves of responsibility, were anxious to have the estate administered by the Court of Chancery. But to their surprise Fauntleroy opposed the suggestion obstinately, declaring that such a proceeding was unnecessary and would involve considerable expense. He protested that the securities were inviolable, being all Government stocks entered in the books of the Bank of England, the dividends of which had been placed regularly to the credit of the late Colonel Bellis's account at Berners Street, as the pass-book showed. In reality he had embezzled the whole of the stock, except £6000 Consols, and had been unable hitherto to find the sum necessary to replace it. Perceiving now that he was in dire peril he took steps at once to reinvest the stolen property.[2]

While he was considering how he could raise the money his co-trustees paid a visit without his knowledge to the Bank of England. Here, to their amazement, they discovered that the greater part of the stock had been sold by Fauntleroy under a power of attorney, whereupon they sought an interview with Mr. James Freshfield, the solicitor of the bank, who realised, when he had listened to their story, that a great crime had been committed. Perhaps his suspicions had been awakened before. Acting on his advice Messrs. Hume and Goodchild went immediately to Mr. Conant, the magistrate at Marlborough Street,[3] who, after taking their depositions on oath, had no alternative but to issue a warrant.

It was the evening of Thursday, 9th September, and darkness had fallen when Samuel Plank,[4] the police officer,

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[1] The *Gentleman's Mag.* (1824), I., 286, says he died at Oxford.

[2] *Observer*, 19th October, 1824; "Reports of Cases determined at Nisi Prius" (E. Ryan and W. Moody, 1827), p. 371; Pierce Egan's Account of Fauntleroy, p. 13.

[3] John Edward Conant, died 13th October, 1848, at Twickenham, aged 70. Son of Sir Nathaniel Conant, chief magistrate at Bow Street. *Gentleman's Mag.* (1848), II., 667.

[4] Samuel Plank, died 30th May, 1840, in Chapel Place, Oxford Street, aged 63. *Gentleman's Mag.* (1840), I., 325-6.

to whom the execution of the warrant was entrusted, proceeded to Berners Street to make the arrest. He found, of course, that the bank was closed, and upon making inquiries at the house next door he learned that the man of whom he was in search was not at home. Fauntleroy had gone to visit Maria Forbes at her cottage in South Lambeth. She was now the mother of two children, the youngest a baby a few months old. During the whole night the zealous Plank kept a deputy on watch in the street, to await the return of his victim. On the Friday morning, 10th September, at his usual hour of ten o'clock, the banker was seen to step from the entrance of No. 7 and walk into the premises of Messrs. Marsh & Co. A message was dispatched to the police officer, who hurried to the scene in the company of Mr. Goodchild, whom he proceeded to use as a decoy. Sending him into the bank first, to occupy the attention of his co-trustee, Plank followed a few moments later, pausing at the counter on the pretence of cashing a cheque, which he had obtained from a tradesman in the neighbourhood, who had an account with the Berners Street establishment. Then, when he perceived that Fauntleroy and his colleague were conversing together in the private office he pushed aside the astonished clerks and invaded the room. Closing the door behind him he produced his warrant of arrest.

"Good God!" cried Fauntleroy, turning as pale as death, "cannot this business be settled?" And tradition relates that he offered the police officer a bribe of £10,000 if he would connive at his escape.[1]

Naturally, Plank proved incorruptible. Having taken possession of the keys of the safe he left a subordinate on guard at the bank and set off with his prisoner to the police office at Marlborough Street. John Edward Conant, who is alleged to have been a personal friend of Fauntleroy, received the party in his private house, out of deference to the position of the accused and in order to avoid publicity. Messrs. Hume and Goodchild gave evidence to prove that £10,000 of the trust money had been sold under a forged power of attorney,

[1] The *Gentleman's Mag.* (1840), I., 326, says £20,000.

and several bank clerks were called to corroborate their testimony. The investigation before the magistrate lasted for several hours. The whole truth was revealed. In a burst of contrition the wretched Fauntleroy confessed his crime.

"I alone am guilty," he acknowledged. "My partners did not know."

One of the partners was present with him on this bright September morning during the long examination in Mr. Conant's dining room — one George Edward Graham,[1] a lieut.-colonel in the Army, who had fought with credit in the Peninsular War. He was a connection of William Marsh, and had been unlucky enough to join the firm soon after the death of Sir James Sibbald in 1819. Although ignorant of finance, Colonel Graham, like a child with a new toy, had devoted all his leisure to the service of the Berners Street house, actually presenting many of the forged powers of attorney at the Consols office of the Bank of England. Wholly unaware that there had been any irregularity, the unfortunate man was overwhelmed by the revelation of the stupendous crime.

After hearing the evidence the magistrate was obliged to commit the prisoner; and, in the course of the afternoon, Fauntleroy was taken away by Plank in a hackney coach to the House of Correction, Coldbath Fields, under a warrant which charged him "with having feloniously forged and uttered as true a certain instrument with intent to defraud the governor and company of the Bank of England," John Vickery,[2] the keeper of the prison, being instructed to keep him in safe custody. Vickery realised his responsibility. He placed Fauntleroy in the most secure apartment in the building, and for fear that he should attempt to destroy himself, deputed a couple of turnkeys to sit with him all night.

There were rumours that evening that a person of "high respectability" in the financial world had been arrested on a charge of forgery, but the greatest secrecy was maintained,

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[1] Subsequently he took the additional name of Foster Pigott, when he inherited an estate in Cambridgeshire.

[2] John Vickery, died suddenly, in the street, of apoplexy, 18th June, 1840. He had been a Bow Street officer. *Gentleman's Mag.* (1840), II., 326.

and on the next morning, Saturday, 11th September, the firm of Marsh & Co. opened its doors as usual. Depositors paid in money and drew cheques in ignorance of what had happened. But in an upper room above the counting-house the panic-stricken partners were in consultation with Mr. Freshfield, solicitor to the Bank of England. Mr. Stracey had been summoned by express from his home at Bognor; Mr. Marsh had arrived from his country house at Watford. They threw open every safe and cupboard. They promised to afford all the assistance possible. Still, they were not forgetful of their own interests. During the course of the day Marsh allowed his daughter to draw out the sum of £5000 from his account, while Stracey cashed a cheque for £4000 to the order of his father, Sir Edward Stracey.[1] It was contended afterwards, when restitution was demanded, that notice of these withdrawals had been given earlier in the week.

On Monday, 13th September, the news of the disaster became public property. The front page of the *Morning Chronicle* contained an advertisement that caused dismay and anger in hundreds of households.

> Berners Street, Saturday, September 11th.
>
> The very unexpected situation in which we suddenly find our House placed by the extraordinary conduct of our partner, Mr. Fauntleroy, has determined us, for the present, to suspend our payments, as most just and becoming to our friends generally.
>
> William Marsh.
> J. H. Stracey.
> J. E. Graham.

From early morning until late in the afternoon Berners Street was filled by an excited crowd. The insolvent firm possessed many rich and high-born clients, but scores of tradesmen in the neighbourhood also had an account with Messrs. Marsh & Co.; and these, to whom the suspension of payments meant ruin, came clamouring to the bank the whole day long. However, the doors remained closed, and the porter, who stood on guard outside, assured the innumerable inquirers that none of the partners were on the premises. Yet, the three of them were upstairs all the time, in conclave

[1] Balance sheet printed in the *Globe*, 20th December, 1824.

with their head clerk, striving vainly to ascertain the extent of their liabilities. Meanwhile, the crowd in the roadway grew more impatient at the lack of news. No such tumult had been seen in the locality since Theodore Hook's Berners Street hoax. At last, so fierce did the attitude of the mob become that a force of police had to be summoned in order to prevent a riot.[1] Every evening newspaper copied the advertisement from the *Morning Chronicle*, and on the following morning it was published by the whole of the press. A few days later, on 16th September, a Commission of Bankruptcy was issued against Messrs. Marsh, Stracey, Fauntleroy, and Graham, under the Great Seal.[2]

Of all Fauntleroy's friends one of the most injured by his dishonesty was Joseph Wilfred Parkins, a notorious and irascible busybody, who, of all his friends, was least capable of bearing his injuries with Christian patience. Parkins was a pompous, choleric person, who had lately completed a tempestuous year of office as Sheriff of London, having been at loggerheads constantly with his fellow aldermen, and was censured on his retirement by the vote of the Common Council.[3] Tradition relates that he was the son of a blacksmith who lived on the borders of Inglewood Forest in Cumberland, but he preferred to boast that he was a bastard of the Duke of Norfolk. In his early youth, we are told that "he was apprenticed to a breeches maker in Carlisle, but his dexterity as a workman not being commensurate with his powers of digestion a separation took place." Afterwards he sailed to Calcutta, where, assisted by letters from his ducal patron, he established a lucrative business. In other ways, according to his own account, he achieved notoriety in India, where he became famous for hunting tigers with English greyhounds, and "once shot a coolie for disobeying his orders, two and a half miles distant, right through the head, across the Ganges and through an impenetrable jungle." On another occasion he claimed to have ridden stark naked in midday,

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[1] *Times*, 20th September, 1824; Files of the High Court of Justice in Bankruptcy.

[2] Close Rolls, Public Record Office.

[3] *Gentleman's Mag.* (1820), II., 368; *cf. Gentleman's Mag.* (1819), I., 446; II., 365, 454 (1820); I., 558 (1822); II., 37 (1823); II., 174.

on a bare-backed horse without bridle, fifty miles in six hours, for a wager, and to have trotted back for pleasure without even a drink of water. When he returned from Calcutta with a fortune, his principal occupation seems to have been litigation, in which his fierce temper constantly involved him. One of the most advanced of Whigs, he had been a virulent champion of the querulous Queen Caroline and the still more outrageous Olive Serres, who claimed to be Princess of Cumberland, niece of George III. The newspapers always spoke of him as the "XXX Sheriff."[1]

For many years he had been one of the Fauntleroy set, and, being a man whose morals were as elastic as those of the fraudulent bank manager, he had shared in most of his dissipations. A claim of paternity had been brought against him in the Courts by a young woman, named Hannah White. He was one of the intimates of the celebrated "Mrs. Bang." In a letter that Fauntleroy wrote to him in 1816 he refers to the ex-Sheriff's love of "pretty girls," and tells him jocularly that when he drives about in his barouche with the "four bloods" instead of the man at his side he should have instead "a beautiful angel."

The Berners Street bankruptcy was a grievous blow to Parkins. Not only did he discover that £4000 worth of Consols, standing in his name in the books of the Bank of England, had been sold under a forged power of attorney, but what was of much more consequence to him—for he knew that the bank would be compelled to replace his stock—he lost an important lawsuit owing to the failure of Marsh & Co. Some time before the arrest of his dishonest friend, Parkins, who, as usual, was in the midst of litigation, requested Fauntleroy to return a certain cheque for £6000 which he had drawn upon the firm a few years previously and might have been used in evidence against him. The reply was that, as it could not be found, probably it was destroyed. On the strength of this statement, Parkins swore in the witness-box on 13th September, when his action was being tried, that the

[1] *Notes and Queries*, 10 S., III., 108, 157, 213; "London and the Kingdom," R. R. Sharpe, III., 313-13; *Ramblers' Mag.*, January, 1827, p. 144-5.

cheque in dispute had never been presented, but, to his surprise and consternation, the missing document was produced in Court. In consequence, he not only lost his case, but was called upon to stand his trial for perjury. By some means or other the astute James Harmer, who was Fauntleroy's lawyer, and happened to be solicitor also for the defendant against whom Parkins was bringing his action, had discovered the cheque at the Berners Street bank soon after the forger's arrest, and perceiving its importance to his clients had taken possession of it.

The rage of Parkins knew no bounds. Convinced that Fauntleroy had betrayed him to Harmer he vilified the unhappy man in public and private in every possible way. The press was eager for any scrap of scandal concerning the accused banker, and the "XXX Sheriff" did not scruple to divulge everything that he knew. Within a few days the most intimate details of Fauntleroy's past life were revealed by the newspapers, the *Times* of 24th September containing an exhaustive biography that was both merciless and untrue. Not only was the forger depicted as a heartless voluptuary, but he was declared to be a gamester and a spendthrift, who had squandered most of his ill-gotten gains upon women and play. Nor was Parkins content with inspiring anonymous articles. He wrote vitriolic letters to the *Morning Post*—his favourite organ—with extracts from the communications of "Mrs. Bang" for the purpose of demonstrating the banker's depravity, besides printing the private correspondence of Mrs. Fauntleroy with her husband in order to show that she was an ill-used wife.

"The penalty of forgery should be the gallows," he vociferated at a meeting of the Berners Street creditors at the Freemason's Tavern, "until the law discovers a worse punishment."

At four o'clock on Saturday, 18th September, the unhappy banker—crushed, despairing, overwhelmed by the deepest shame—was brought up for his first public examination before Mr. Conant at Marlborough Street. During the whole day the Court had been filled to overflowing by the creditors of Marsh, Stracey & Co., and when the time came for the proceedings to open there was no space for

the lawyers or essential witnesses. After appealing to the crowd in vain to depart, at last the magistrate was compelled to instruct Plank to clear the room, which, according to the newspapers, was "done in a gentle manner." Then, addressing the reporters, Mr. Conant intimated that some matters might transpire, which, if published, would "impede justice," and begged the press men to be discreet.

While the evidence was being heard Fauntleroy never looked up once. In the columns of the *Times*, always vindictive in its references to him, there is an account of his demeanour in the dock, which gave the general public the first description of his personal appearance. "He appears to be fifty years of age, though we understand he is forty.[1] His hair is remarkably grey and cut close. Dressed in plain blue close coat, blue cloth trousers, light waistcoat and boots, height about 5 feet 8 inches. His expression is of pure John Bull good nature and bears no resemblance (as has been said) to the late King of France. There is no part of his face indicative of talent, of genius, or even of shrewdness or cunning; on the whole it might be called a simple countenance." The *Morning Post* was more complimentary, observing that he had "a good profile, or what would be called a mild Roman contour of visage, and a good complexion." It might have been added that, being short-sighted, he wore spectacles, through which he peered in a dim, furtive way.

The case was adjourned for a week, and then postponed for another week, and it was not until Friday, 1st October, that Fauntleroy stood once more in the dock at Marlborough Street. Evidence of other forgeries was produced, and a maiden lady named Frances Young, of Chichester, was called to prove the transfer of £5000 in Consols without her knowledge or consent. In consequence of her emotion whilst in the witness-box, and because she bore the same maiden name as Mrs. Fauntleroy, it was alleged that she was the sister-in-law of the accused man.

The final examination in the Police Court took place on Tuesday, 19th October, amidst a greater crowd than ever.

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[1] His forty-first birthday occurred on 12th October, 1824.

Introduction.

According to the reports of the *Times*, the prisoner "presented rather a ghastly than a living hue upon his countenance." Another painful scene occurred, Jedediah Kerie,[1] the forger's uncle, being called to bear testimony against the prisoner. He was a man of good position with a house in Park Place, and, like all the Fauntleroy relations, had been a customer of the Berners Street bank. Whilst giving evidence that £6000 worth of Government securities belonging to him had been appropriated by his nephew the grief of the old man was pitiable, almost preventing him from utterance. At last all the witnesses for the prosecution had been examined, and the magistrate was about to make out the order of commitment, when the solicitor for the defence, Harmer's partner, John Hopton Forbes, made a request that his client should be allowed to remain in Coldbath Fields prison for two days longer instead of being sent at once to Newgate. To this application Mr. Conant, who had treated the accused banker with much indulgence from the first, replied in the affirmative, permitting Fauntleroy also to wait in his own drawing room, so that he would not have to return to the House of Correction until the crowds in the street had dispersed. Contrary to his usual custom the prisoner is said to have been "very taciturn" with his custodians while being conveyed to and from the Police Court in a hackney coach.

Never had *cause célèbre* stirred the public interest more deeply. Each day the principal newspapers—and there were at least a score of them—were filled with paragraphs about the accused man. One morning it was alleged that Fauntleroy had arranged a plan of escape; on another that he had cut his throat with a razor. Innumerable stories were related, some true but most of them apocryphal, of his extravagances and depravities. The *Times* gravely informed its readers, as an important piece of news, that his pedigree, which was filed at Herald's College, "goes back four hundred years." Almost with one accord the press was hostile, its indignation aroused because of the numbers of poor people who had been

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[1] Jedediah Kerie, died 22nd November, 1846, in Gloucester Place, aged 85.

brought to ruin. There was the most bitter rivalry also between the various journals in their contest for news, and they hurled abuse at one another on the slightest provocation in the fashion of the rival editors in *Pickwick*. At last, James Harmer published a letter in which he protested that the interests of his client were being prejudiced by false statements, after which the attacks were somewhat mitigated for a short time.

Much indignation was caused by the privileges that were alleged to be allowed to the prisoner both by John Edward Conant, the magistrate, and by John Vickery, an ex-Bow Street runner, who was governor of Coldbath Fields Bridewell. The *Times* declared that his meals were luxurious and his apartment "equal to that of any private gentleman's residence, commanding a view of Highgate and Hampstead hills." He was believed to have large sums of money in his possession with which he bought expensive wines, and that his friends, who were allowed access to him at all hours of the day, were engaged in arranging a plan of escape. There is some reason to suppose that the latter suspicion was correct, and that but for the timidity of Fauntleroy, who was daunted by the height of the walls that he would have to scale, the plot might have succeeded.[1] The allegations, however, concerning his room appear to have been untrue. "The apartment is in the north wing of the prison," declares one of the newspapers in denying the accuracy of the *Times*, "up two pairs of stairs; its dimensions are 7 feet by 10 only, and it is secured by a remarkably strong oak door; the only place through which the light can enter is a small window, strongly barricaded with iron bars. The furniture of this 'state room' consists of a wooden table, two chairs, a stool, on which is placed a wash-hand basin, and in one corner of the room is a stump bedstead. This is the apartment that has been said to be equal to any private gentleman's residence and commanding a view of Highgate and Hampstead hills."

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[1] "Some Experiences of a Barrister's Life," William Ballantine, I., 309; "Drafts on my Memory," Lord William Pitt Lennox, II., 268; "Recollections of the Last Half-Century," Rev. John Richardson, II., 55.

Introduction.

An incident that occurred during Fauntleroy's imprisonment at the House of Correction, Coldbath Fields, aroused considerable controversy. One day an elderly magistrate of Hammersmith, named John Hanson, burst into his room, when the following conversation is said to have taken place:—

"You are the banker from Berners Street, aren't you?" demanded the visitor.

"Yes, I am that unfortunate person, sir," answered the prisoner.

"Oh, then you'd better look to your soul," was the reply. "Look to your Bible. Read your Bible."

Mr. Conant took up the matter at once, apologising to Faunleroy for the insult in open Court, and assuring him that it should not occur again. To which the prisoner replied that the old magistrate had done nothing insulting beyond intruding into his chamber without his consent. Nevertheless, Hanson was struck off the list of visiting justices, which caused two parties to spring up—pro-Hansonians and anti-Hansonians—who filled the columns of the newspapers with their apologies or their diatribes for many weeks.

In the meantime, meetings of the creditors of Messrs. Marsh & Co., under the Commission of Bankruptcy, were held at regular intervals at the Court of Bankruptcy in Basinghall Street. The proceedings were often turbulent, much controversy arising over the election of assignees, some of the creditors suspecting that the friends of the bankrupts were endeavouring to influence the choice. Finally, after several rival meetings had been held at various taverns under the ægis of Joseph Parkins, three persons, namely, James Bolland,[1] Joseph Hare, and Matthias Koops Knight,[2] all capable business men, were selected as "assignees of the estate and effects of William Marsh, Josias Henry Stracey, Henry Fauntleroy, and George Edward Graham, late of Berners Street, bankers and partners." It was a terrible financial tangle that the three devoted men were called upon to un-

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[1] James Bolland, of Seymour Place, Euston Square, died 23rd February, 1831, aged 85. *Gentleman's Mag.* (1831), I., 282.

[2] Matthias Koops Knight, Secretary of the West Middlesex Waterworks, died 21st December, 1854, aged 65, in Nottingham Place. *Gentleman's Mag.* (1854), I., 220.

ravel. It was not until twenty-six years later that the last dividend was distributed.

Fauntleroy was taken to Newgate on Thursday, 21st October. Before stepping into the hackney coach which was brought for him into the courtyard of the Coldbath Fields prison as dusk was falling, he thanked the turnkeys for their kindness, shaking hands with each of them cordially. Until recently he had dreaded his removal to the sombre gaol in the Old Bailey, but having been reassured by his legal advisers with regard to the treatment that awaited him, he set off with Vickery and his officers in good spirits. His contentment was justified. John Wontner,[1] the Keeper of Newgate, who was as humane a governor as Boswell's friend, Akerman[2] (his predecessor of the eighteenth century), received his prisoner with kindness and courtesy, and lodged him in the best room at his disposal. It was a comfortable apartment on the first floor at the north end of the prison, one of a pair belonging to a turnkey named Harris, who moved into the smaller of the two, and, together with his wife, was deputed to attend to the wants of the unfortunate banker. Fauntleroy, who had dreaded a dismal cell, and perhaps chains, was most grateful for the lenience of his gaoler.

Ever since the day of his arrest he had realised that the case against him was unanswerable, and that only one verdict was possible. Convinced that there was no hope, he determined to plead guilty, so as to avoid the ordeal of a public trial. Then, as the day of the Sessions drew nearer, he began to waver. At one moment he was buoyed by wild hopes; at another, plunged into black despair. Finally, on the advice of his brother John, a solicitor, he resolved to stand his trial, trusting that "things may come out in extenuation and place me in a better view towards the public eye."[3]

On Friday, 29th October, scarcely more than a week after his arrival in Newgate prison, the grand jury returned a true

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[1] He had been city marshal, but having lost a leg through a horse accident on 16th November, 1821, he was given the vacant post of "Keeper of Newgate."

[2] Richard Akerman, Keeper of Newgate, 1754-1792. Died 19th November, 1792. *Gentleman's Mag.*, LXII., pt. II., 1062, 1150.

[3] Pierce Egan's Account of the Trial, p. 59.

bill against him, and on the following morning his trial commenced at the Old Bailey. Anticipating a great throng, the authorities had made preparations for dealing with it, but the entrance fee of one guinea proved to be prohibitive, and the public did not attend in large numbers. There was no prospect of a great fight for a man's life to stimulate curiosity, since all believed that the trial could have but one result. Except for the crowd of reporters and law students, the Court would have seemed empty.

A splendid array of counsel was engaged on either side, men who achieved the highest rank in their profession. The prosecution was led by the Attorney-General, the handsome and dignified John Singleton Copley, who, as Lord Lyndhurst, lives to fame as one of the most eminent of Lord Chancellors. With him were associated John Bernard Bosanquet, afterwards a judge of Common Pleas, and William Bolland, who became a Baron of the Exchequer; while their junior was Charles Ewan Law, in after years Recorder of London, a son of Lord Chief Justice Ellenborough. Nor were the counsel who appeared for the defence less capable. Their leader was John Gurney, who also was raised to the bench, and his three colleagues, William Brodrick, Peter Alley, and Charles Phillips, had the reputation of being the most doughty of Old Bailey practitioners.

Joseph Parkins, eager to witness the humiliation of his erstwhile friend, was one of the first to arrive in Court, taking a place at the barristers' table, where all the seats were engaged. An official pointed out to him that he was intruding, and requested him to move. The irascible ex-Sheriff turned upon the man indignantly.

"Do you know to whom you speak, sir?" he ejaculated.

"Know you?" was the reply. "To be sure I do. Come, be off with you."

And, in spite of his protests, Parkins was compelled to change his seat, whereupon he took up a conspicuous place in front of the dock, upon which he glued his eyes, waiting in surly triumph for the appearance of the prisoner. Luckily, Sheriff Brown, whose humanity—like that of his colleague, John Key—was in advance of his age, witnessed the manœuvre, and, realising the motive of the vindictive nabob,

he ordered him to retire to the back of the Court. Which the "XXX Sheriff" was obliged to do, having to climb ignominiously over the seats and benches, amidst the mirth of the gentlemen of the press, who were delighted to chronicle his discomfiture.

At ten o'clock, Mr. Justice Park—a somewhat dour and humorless judge—took his place on the bench, together with Mr. Barron Garrow and Lord Mayor Waithman; and a moment later Henry Fauntleroy was led into Court by John Wontner and the two city marshals. His solicitor, James Harmer, the greatest criminal lawyer of the day—a prototype of Mr. Jaggers, the prince of Old Bailey attorneys—also accompanied him.[1] For a moment he was dazzled by the glare from the inverted mirror over the dock. Making a feeble attempt to bow to the judges, he almost fell back into the arms of his attendants. With closed eyes and bent head, shrinking from the universal gaze, he stood with trembling fingers resting on the bar, a picture of unutterable shame. His features were thin and worn, and his face pale as death, while his whitening hair, in contrast to his suit of black, seemed as though it had been sprinkled with powder.

After the various indictments had been read and other necessary preliminaries concluded Sir John Copley rose to state the case for the prosecution, which rested upon the first indictment, charging the prisoner with transferring under a forged deed £5000 3 per cent Consols belonging to Miss Frances Young, of Chichester. The Attorney-General was one of the great orators of the day, fluent and felicitous of speech, graceful and distinguished in delivery and gesture. His opening address was long and technical, embracing the whole history of the forgeries from their commencement, acquainting the jury with the full extent of the accused man's villainy. Yet, the address was scrupulously fair, never pressing a point against the prisoner harshly. Indeed, there was no occasion for such a course, since the prosecution possessed absolute proof of the guilt of the dishonest banker.

[1] Harmer defended Joseph Hunt in the Gillshill murder trial, January, 1824. He was also solicitor to Samuel Bamford, of Middleton, who mentions him in "Passages in the Life of a Radical."

Introduction.

In the latter part of his speech Sir John Copley amazed his hearers by the announcement that he held in his hand "a document of a character so extraordinary, so singularly complete in all its parts, as to leave no possible doubt that the prisoner at the bar was the party who had committed the offence" alleged against him. This paper, which had been discovered in a tin box by Mr. Freshfield when he searched the premises of Berners Street, contained a list of no less than £170,000 worth of stolen securities, and upon it there was a note, written and signed by the hand of Fauntleroy, and dated 7th May, 1816, running as follows:—

> In order to keep up the credit of our house I have forged powers of attorney and have thereupon sold out all these sums without the knowledge of any of my partners. I have given credit in the accounts for the interest when it became due. The bank began first to refuse our acceptances and thereby destroy the credit of our house; they shall smart for it.

After reading these fatal words the Attorney-General expressed his astonishment that the prisoner had not destroyed such a compromising document, presuming "unaccountable negligence," and the bewildered audience were of the same opinion. In fact, the motive of Fauntleroy in preserving this record of his crimes has remained a mystery to the present day. Yet there was method in his apparent madness, the explanation of which is a simple one.

The motive of his first forgery was to escape bankruptcy, and he hoped and believed that in good time he would be able to replace the sums that he had stolen. In the early days of his malefactions, at all events, he must have imagined that it was possible to overcome his difficulties. Yet in case he was found out it was necessary to be prepared with an excuse, and thus his subtle brain had conceived the idea of alleging motives of revenge against the Bank of England. The paper, in which this was put on record, is dated 7th May, 1816, a year or two only after the forgeries commenced. It is notorious that never in her history was the Old Lady of Threadneedle Street so unpopular as at this time. For nearly twenty years she had borne the odium caused by the suspension of cash payments and the depreciation of paper money. In like manner, the panic which overthrew so many

provincial houses in 1814, 1815, and 1816 was ascribed to her envied monopoly; and her consequent prosperity, owing to the demand for Bank of England notes, helped to increase the widespread jealousy. A large portion of the press inveighed against her supremacy unceasingly; the powerful Radical party was for the most part unfriendly. Never had forger provided himself with a more effective shield than Henry Fauntleroy. Although trusting that the proceeds of his first frauds would enable his firm to weather the financial storm, yet should Nemesis overtake him before he had succeeded, he was justified in supposing that the Board of Directors might hesitate to prosecute a man that might be hailed as a popular champion. Indeed, if he had been detected at the outset when his crime was comparatively paltry, it is not improbable that the public would have regarded him as an intrepid enemy of the bank's monopoly, and that a like storm which compelled the financial legislation of 1819 and 1825 might have saved him from the scaffold. Fate compelled him to overreach himself, or the crafty story of revenge might have been credited.

When the Attorney-General had concluded his speech two clerks lately in the employ of Marsh, Stracey & Co., and a clerk from the Bank of England, were examined in turn by Serjeant Bosanquet and William Bolland. The last witness, one Robert Browning, who was in charge of the 3 per cent. Consols office, was the father of a precocious boy, then twelve years of age, who became one of the most famous literary men of his generation. The two first testified that the signatures on the power of attorney were forgeries; the third swore that he saw Henry Fauntleroy sign the document.

Before Miss Frances Young, the theft of whose Consols was the subject of the indictment, made her appearance in the box there was a curious instance of the *naïveté* of British jurisprudence. For evidence had to be called to prove that Threadneedle Street had refunded the stocks belonging to her in order to make her "a competent witness," lest it might seem that she had a motive in affirming or denying the forgery. Thus, the bank confessed that it had bribed a witness in order that this witness might not be suspected

of trying to obtain a bribe! In vain did the prisoner's counsel challenge the competency of Miss Young's evidence. The objection was overruled by the judge, just as he had overruled an objection previously in connection with the minutes of the Bank of England, and Frances Young was allowed to appear.

The poor lady was much agitated whilst giving her testimony, and Fauntleroy buried his face in his handkerchief in the deepest shame, which confirmed the popular belief that she was the sister of his wife. The rumour was started on the 2nd October by the *Times* and the *Morning Herald*, but two days later, the former newspaper denied its previous statement, the contradiction being published also in the *Globe*, the *Courier*, and *Bell's Weekly Messenger*. Again, on 4th December, the *Times* reiterated that "Miss Frances Young is no relation to Mrs. Fauntleroy." Considering the emulation that existed between the various journals and the jealous criticism that each bestowed upon the information of its rivals, it is certain that if the latter statement of the *Times* had been untrue—and if false it could have been disproved easily—the rest of the press would have exposed it with the greatest joy. Moreover, since Fauntleroy might have been charged upon twenty other indictments, it would have been an act of wanton cruelty to have selected his sister-in-law as the instrument of vengeance.

Other clerks gave evidence, as well as Samuel Plank and James Freshfield, the bank's solicitor, and then the prisoner was called upon to make his defence, for the law of England would not allow his counsel to speak for him. With difficulty he staggered to his feet. Drawing a paper from his bosom and wiping away the tears that streamed from his eyes, he adjusted his spectacles. In a clumsy, insincere manner, like a schoolboy's recitation, he began to read a long apology. It was apparent that he had not written the speech himself, and it made no impression.[1] Commencing with a complaint against the false and libellous statements in the press, he sketched a history of the Berners Street

[1] He drew up a rough draft, now in the possession of Sir John Hall, which was elaborated by his legal advisers.

bank in order to show that it had received the benefit of the whole of his forgeries, describing how he had borne the burden of "an extensive but needy banking business" since he was twenty-two years old without any assistance from his partners. He protested that all his frauds had been wrought to cover commercial losses, the withdrawal of borrowed capital, and the overdrafts of two of his colleagues. He declared that all the moneys "temporarily raised" by him were applied, not in one instance for his own separate purposes or expenses, but in every case they were immediately placed to the credit of the house in Berners Street and applied to the payment of the pressing demands upon it. To every one of the charges of prodigality he offered an indignant denial. In conclusion he made a pathetic vindication of his conduct towards his wife, declaring that all the statements published in the newspapers were false, and that she had always had the best feelings towards him.

At the conclusion of his address he sank into his chair, exhausted by the effort, overcome by his emotion. A glass of water was offered to him, of which he took a little; and while the witnesses to his character were being examined he leant his head on his hand, in which he still held his handkerchief, so as to cover part of his face, as if unwilling to be seen by his former friends. Sixteen of these, "all gentlemen of the highest respectability," gave testimony in his favour. Among them was Sir Charles Forbes, baronet and member of Parliament, a wealthy nabob, and a splendid public benefactor; Divie Robertson, a prosperous wine merchant; William Wadd, the celebrated surgeon; Benjamin Wyatt, the famous architect and son of a famous architect; and Joseph Bushnan, the esteemed Comptroller of the Chamber of London. They all testified that they had regarded Henry Fauntleroy as a man of the strictest integrity.

It was a futile and perfunctory interlude, merely observed as a matter of form, and the sight of his old friends made the unhappy man weep bitterly. Even his own evidence had rung false and hollow. Not one of his hearers believed his protests that he had received no benefit from his forgeries, all being aware that he had lived in affluence ever since he had been a bank manager. Nor was any credence given to

his denials of profligacy, since every one knew that he had been a man of many mistresses. It was incredible also that his wife, whatever her attitude since his misfortune, had been "*always* actuated by the best of feelings towards him."

At ten minutes past two, Mr. Justice Park commenced his charge, and, although just and unprejudiced, no summing up was ever more damnatory. As a matter of form, the judge began by warning the jury not to pay attention to anything that they might have heard outside. "If misrepresentations had been propagated to the disadvantage of the prisoner before his trial, it was a most cruel thing." He pointed out that the only question at issue was "Aye or no," was the accused man aware that the power of attorney was forged, and did he utter it with intent to defraud? It was "totally irrelevant" whether the money went to Mr. Fauntleroy's account or to the general account of the firm; although, continued the judge, with unintentional irony, he "trusted for the sake of the prisoner that it had not been consumed in habits of profligacy." But whether it had or not that did not increase or diminish the crime.

After dealing at length with the three salient points—"Was the instrument forged? Did the prisoner utter it? And, thirdly and most important, did the prisoner, at the time of uttering it, know it to be forged?" Sir Alan Park proceeded to comment upon the document that had been discovered by Mr. Freshfield in the tin box. "It was the most amazing document ever produced in a Court of justice in the long annals of crime," proceeded the judge, who did not attempt to throw any light upon the motive for either its composition or its preservation, "and its existence in so unguarded a place was almost beyond comprehension." He declared that it was conclusive evidence that when the prisoner uttered the power of attorney, he knew it to be forged, and thus there could be no doubt that the forgery was committed with intent to defraud. The twelve men in the box could not have been in doubt for a moment as to their answer to the indictment.

At ten minutes to three o'clock, after speaking for nearly three-quarters of an hour, the judge concluded his address, and the jury retired to consider their verdict. They were absent only for twenty minutes, during which time the wretched

Fauntleroy sat huddled in his seat with his face buried in his hands, until a sudden rush of the crowd at the door of the Court heralded the return of the men who were to decide his fate. Mr. Justice Park took his place on the bench, while the prisoner staggered to his feet once more. A few moments later, amidst breathless silence, the foreman answered the demand of the clerk of arraigns with the fatal words, "Guilty." Again Fauntleroy sank back into his chair, and lay motionless and inert, as if unconscious of everything around him.

Then, after a brief consultation with Sir John Copley, the judge addressed the prisoner, who started at the sound of his name, gazing wildly towards the bench.

"Henry Fauntleroy, the learned Attorney-General does not feel it necessary in discharge of his public duty to proceed further with the indictments which have been preferred against you. It is no part of my painful duty to pronounce the awful sentence of the law, which must follow the verdict that has just been recorded. That unpleasing task will devolve on the learned recorder at the termination of the Sessions. I should, however, desert my duty as a Christian magistrate if I did not implore you with all kindness to bethink yourself seriously of your latter end. . . . I am afraid that after the many serious acts which, under your own handwriting, have been proved against you, involving so many persons in ruin, you would only deceive yourself by indulging in any hope of mercy on this side of the grave."[1]

The trial—perhaps the shortest that has ever been devoted to so great a crime—had only lasted five hours.

During the judge's last speech the condemned man had given one convulsive sob, but was too exhausted to exhibit any further emotion. After lifting his hands feebly for an instant, as though in prayer, he seemed almost to faint away. Raising him in his arms, Governor Wontner bore him from the dock with the help of one of his friends.

While he was being led from the Sessions House through

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[1] Justice Park was blamed by some of the newspapers for his harsh speech. It was alleged that he had been standing counsel to Messrs. Marsh, Stracey & Co. for many years and so should have refused to preside at the trial. *Sunday Monitor*, 7th November, 1824.

the covered passage into Newgate Prison, he opened his eyes, and murmured fervently, "Thank God, this trial is over." For some time after he was brought back into the gaol he remained in a state of collapse, but recovered a little later in the afternoon and was able to take food. Some of his friends, as well as his solicitor, were allowed to visit him, and he assured them that he was content with the verdict, which was a just one. He was allotted the same room that he had always occupied, while Harris, the turnkey, and his wife still continued to wait on him. The *Times*, which declared that he had been placed in the condemned cell, and was in fetters, was obliged to contradict the statement.

Another ordeal came to him on the following morning, when, it being Sunday, he attended divine service in the prison chapel. On these occasions the rude, unsightly place of worship, which was not unlike the dissecting room in Old Surgeon's Hall, and had no more semblance of holiness than the Court at Bow Street, was always packed to suffocation with curious sightseers, the pomp of sheriffdom, and the prisoners and officials of the gaol. The "capital convicts" —and there were often a score of them, both men and women —occupied an ostentatious sable pew with the model of a coffin in their midst to keep their minds intent upon their doom. And in his sermon, the Rev. Horace Cotton, the Ordinary,[1] a rosy-faced cleric of full habit and vast animal spirits, never failed to make pointed reference to those condemned to death. On this particular Sunday he chose as his text, "Believe in the Lord Jesus Christ and thou shalt be saved," and it is recorded that Fauntleroy was "particularly affected" when the clergyman apostrophised each of his hearers, who were under conviction, "Set thy house in order, for to-morrow thou shalt surely die."

The Old Bailey Sessions came to an end on Tuesday, 2nd November, and at an early hour the recorder signified his intention of passing sentence upon the convicted prisoners in the New Court, instead of, as heretofore, in the old building. Notice was given, however, that a motion in

[1] The Rev. H. S. Cotton, Ordinary of Newgate, 1814-1838, died 7th June, 1846, Guildhall Records.

arrest of judgment would be moved on behalf of Henry Fauntleroy; but there was some delay in finding a judge to hear the arguments of counsel, for Mr. Justice Park was unable to attend, and it was nearly two o'clock before Mr. Baron Garrow was at liberty to take his place. At last the prisoner was placed at the bar and the proceedings were begun. It was in vain that his counsel directed ingenious arguments to discredit the interpretation of the law in regard to the indictment under which he had been convicted. Each of the technical objections of Messrs. Alley, Brodrick, and Phillips, who strove to prove that the forged deed did not come within the meaning of the Act, and that the verdict of the jury did not justify a verdict of death, were refuted by Serjeant Bosanquet, who showed beyond all question that the third count of the indictment, namely, the disposing of the power of attorney, was founded upon a recent Act of George III., which decreed the capital penalty. Mr. Baron Garrow had no hesitation in deciding his verdict. The present case, he declared, could not be excluded from the operation of the statute, and thus he gave his judgment against the point that had been raised on behalf of the prisoner.

Once more Fauntleroy was allowed to read a statement of defence, and once more he protested that he had not committed forgery for "personal aggrandisement or selfish gratification." He declared that the document found in the tin box had been written with the intention of absolving every one else from suspicion in case of his sudden death before the whole of the stolen money had been refunded. In broken accents he pleaded, for the sake of his dear and reverend mother and for the sake of his wife and children, that he should not be doomed to suffer a violent and ignominious death. As soon as he had finished, the rest of the prisoners, who had been found guilty of capital crimes—eleven men and two women—were ranged in the dock beside him, and the recorder, Newman Knowlys, proceeded to pass sentence upon all. In the course of his brief address he referred to the very "aggravated character" of the offences of some of them, whom he warned to expect no mercy. "The forger, whose crime might involve even the richest in irretrievable

ruin; the midnight burglar, who carried away the property, perhaps the little all, of the inhabitants whose house he entered; the unfeeling robber, who not only takes away the property, but leaves the victim with scarcely any remains of life—these will do well to prepare for death." Fauntleroy heard the pronouncement of his doom with composure. He was allowed to speak a few words to his solicitor before being led away.

James Harmer must have realised that the motion to arrest judgment would inevitably fail, and his purpose in attempting it was to endeavour as much as possible to shake the faith of the public in the justice of the verdict. Already popular opinion was beginning to be shocked by the infliction of the death penalty as a punishment for crimes less than murder. The precepts of Romilly had won many ardent disciples, and there were numbers of earnest men and women who lost no opportunity of demanding an amelioration of the stern laws. The tactics of the shrewd old Bailey attorney aimed at a great public agitation for Fauntleroy's reprieve. A petition to the King was prepared; another to the Home Secretary. Harmer's own journal, the *Weekly Dispatch*, appealed to its readers for signatures.[1] Two famous jurists, Anthony Hammond[2] and Henry John Stephen,[3] both advocates of a reform of the criminal code, also lent their assistance.

Hitherto, nearly all the newspapers had been hostile to Fauntleroy, but after he was condemned to death the criticisms of some of them became more sympathetic. At the same time, with habitual fickleness, the public also changed in its attitude towards him. Although his crimes had been black and heartless he was pitied because of his toilsome, joyless youth, forced into the management of a derelict banking firm when scarcely more than a schoolboy. For a period, the resentment of both the press and the people turned fiercely against his unlucky partners. It seemed incredible that three men of the world should have remained in ignorance of the real state of affairs for so many years while their firm was tottering on the brink of bankruptcy. Every one was convinced that they must have suspected the

[1] *Morning Chronicle*, 22nd November, 1824.
[2] Anthony Hammond (1758-1838), legal writer. Dic. Nat. Biog.
[3] Henry John Stephen (1787-1864), legal writer. Dic. Nat. Biog.

truth, and, becoming anxious, would have inquired how the losses were going to be met. Fauntleroy's declaration in the dock that two of them had overdrawn their accounts to the sum of almost £100,000 created the greatest indignation. It was believed that they had inspired the scandalous articles in the newspapers, desiring to vilify their colleague in order to exonerate themselves.

There can be little doubt that this change in sentiment was brought about by the instrumentality of Harmer, who, in the true manner of Mr. Jaggers, did not scruple to calumniate innocent men with the object of serving the interests of his client. He had been responsible for the combative paragraphs in the defence which Fauntleroy had read out in Court. He continued the campaign in his weekly journal. Dismayed by their unpopularity, Messrs. Marsh, Stracey and Graham published an earnest appeal to the public to "suspend judgment" until they had passed their examination on oath before the Commissioners of Bankruptcy on 18th December. In reply there were innumerable paragraphs in the daily press, protesting that the explanation must be given at once while Henry Fauntleroy was alive, so that, if necessary, he could refute it. The *Times* went so far as to propose that the Privy Council should call upon the partners to declare on oath that the charges which the condemned forger had made against them were untrue.

Meanwhile, Henry Fauntleroy lay in Newgate prison, awaiting with marvellous resignation the dreadful fate in store for him. Occasionally the knowledge of the exertions that were being made for a reprieve filled his heart with a glimmer of hope, but from the day of his arrest he had given himself up for lost, and his moments of optimism were few and fleeting. Often he sat for hours without speech or movement, all his faculties benumbed, in a state of dull, soulless lethargy. Most of his old friends remained loyal to him, coming to see him frequently. Amongst them, in addition to Sir Charles Forbes and Divie Robertson, were Rouse, the manager of an insurance office; William Wadd, the jovial surgeon; and Joshua Mayhew,[1] a solicitor who

[1] Joshua Mayhew, of 19 Chancery Lane, father of Henry and Horace Mayhew.

had helped Messrs. Forbes and Harmer in his defence. Whilst they were with him his stoicism never faltered, and he was able to converse naturally and often with vivacity. One of his visitors has recorded that he could almost have imagined that he was talking to the affluent banker of Berners Street and not to a condemned criminal in Newgate gaol.[1]

Although she had been so deeply wronged, his poor wife remained faithful to him, seeking constant interviews. His brother, John Julius, a lawyer of some repute, and his fifteen-year-old son, Henry, who was being educated at Hyde Abbey School, Winchester, came frequently to the prison, as did also his uncle, Jedediah Kerie. The beautiful Maria Forbes, his schoolgirl mistress, now scarcely twenty years of age, brought her two baby daughters to solace the weary hours of her protector. Few men at the close of life have witnessed more terrible examples of the ruin they have wrought than the self-indulgent Henry Fauntleroy.

Gentle Benjamin Baker,[2] a white-haired official of "the map office at the Tower," whose work in the dungeons was scarcely less admirable than that of Elizabeth Fry, seems to have been more successful in winning the affections of the convict than Ordinary Cotton; and the efforts of this good Samaritan were aided by a clergyman from Peckham, the Rev. Mr. Springett,[3] to whom Fauntleroy had been introduced by his friend, Anthony Hammond, the legal writer. These two men were his constant companions during the remainder of his imprisonment.

Meanwhile the exertions for a reprieve continued, Divie Robertson and Sir Charles Forbes striving their utmost to procure signatures praying for mercy. The condemned banker was not included in the recorder's report on 20th November, and on the same day Sir Robert Peel granted an interview to James Harmer, who presented a petition signed by twenty-five thousand people, which the Home Secretary promised to lay before the Privy Council. Hope now ran high,

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[1] "Drafts on My Memory," Lord William Pitt Lennox, II., 267-8.

[2] Benjamin Baker, died at Islington, 29th June, 1841, aged 75. Principal engraver to the Ordnance Office in the Tower. *Gentleman's Mag.* (1841), II., 201.

[3] Rev. H. Springett, minister of Peckham Proprietory Chapel, 1819-1833.

for it was believed that George IV. was anxious to save Fauntleroy from the scaffold, just as he wished to save all but the murderer. Yet, on Tuesday and Wednesday, 23rd and 24th of the month, when the case was "argued" before the twelve judges at the Court of King's Bench, sitting in the grand jury room at Westminster, William Brodrick, who appeared for the prisoner, failed to prove that there was any legal flaw in the indictment. Although the public judgment was delivered, the judges decided unanimously that the conviction must be upheld.

About five o'clock on the fatal Wednesday afternoon, when this opinion was certified to His Majesty in Council, it was accepted as final—for the crimes of Fauntleroy were thought too heinous for mercy to be shown to him—and an order was made for carrying out the sentence on Tuesday, 30th November. The recorder's report reached Newgate at half-past six, and the Rev. Mr. Cotton, whose duty it was to break the news of their fate to the prisoners, proceeded at once to Fauntleroy's room. The banker, who was reading at the fireside, looked up as the Ordinary entered, and observed that he was wearing his black gown, and was deeply affected.

"Ah, Mr. Cotton, I see how it is," he exclaimed. "I expected nothing less than death, and, thank God, I am resigned to my fate."

He added that he hoped that he was to suffer alone, and upon being told that all the other convicts had been pardoned, he appeared to be thankful. Then he spoke of the benevolence of Sir Charles Forbes, who had promised to take care of his children. During the rest of the day he seemed more concerned for the fate of Joseph Harwood—a lad of eighteen, condemned to die the next morning for being in the company of a gang of roughs when two half-crowns were stolen from the pocket of a drunken Irishman—than for his own dismal situation. Worn out with suspense, he slept soundly, not awakening until eight o'clock on the next morning, when he was aroused by the passing bell that tolled for the poor boy's execution.[1] Throwing himself upon his knees, he prayed fervently for his fellow-sufferer.

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[1] The trial of Harwood is reported in the *Morning Chronicle*, 25th September, 1824; *cf. Times*, 26th November, 1824.

Introduction.

On Friday afternoon, the 26th November, Miss Forbes came to bid him farewell, bringing with her once more, so the *Times* reports, her "two lovely babes, of the ages of eighteen months and three years, and both also in deep mourning." It was an agonising interview, but Fauntleroy bore it bravely. Indeed, all the day he had surprised his attendants by his wonderful serenity. A strange application was made to the Lord Mayor on the same morning. Edmund Angelini, a crazy teacher of languages, inspired by a desire for notoriety, asked permission to be allowed to take the place of the forger on the scaffold.

At eleven o'clock on Saturday morning the unhappy Mrs. Fauntleroy paid her last visit, although the doomed man, shrinking from the cruel ordeal, had wished to avoid seeing her. Previously she had made an unsuccessful attempt to reach the implacable Peel—fainting in his hall—which brought from the Home Secretary a kind message. Afterwards she had striven to speak with Lady Conyngham,[1] who regretted her inability to assist. The meeting between husband and wife was a most pitiable one, for realising that all hope was gone, she lost her self-control and her grief was heartrending. When at last she was led away by her son, who had accompanied her to Newgate, John and Elizabeth Fauntleroy, the brother and sister of the prisoner, were allowed to see him, and before they left the Ordinary administered the sacrament to them all. During the course of the morning the eccentric Angelini, still filled with lust for the rope, and indignant that his request had been refused by the Lord Mayor, came hammering at the gate of the gaol, and succeeded in gaining an interview with Mr. Cotton. When the clergyman tried to explain that his application was an absurd one, the man lost his temper and had to be thrust out of the prison by the turnkeys.

On Sunday, the 28th, his last on earth, Fauntleroy attended service as usual in Newgate Chapel. In anticipation of a condemned sermon befitting the occasion, numbers of morbid folk had applied to the governor for tickets, and the congregation was larger than ever. Messrs. Forbes and Mayhew, as well as

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[1] Elizabeth Denison, Marchioness of Conyngham (died 10th October, 1861), the friend of George IV.

Mr. Baker and Parson Springett, sat with the prisoner in the central pew, and the kindly William Wadd also bore him company. The Rev. Horace Cotton was in his finest form. On the previous Sunday he had shattered the nerves of the boy Harwood, and had sent "a female," sentenced to death for a paltry theft, into hysterics a fortnight before. It was scenes like these that made the "condemned sermon" attractive. The Ordinary took for his text the 12th verse of the 10th chapter of the first epistle to the Corinthians—"Wherefore let him that thinketh he standeth take heed lest he fall."

"In the history of society," he began, "on particular occasions, crimes have been brought to light of a nature so peculiar and of an extent so alarming as to call for the severest punishment the laws can inflict. The truth of this observation was exemplified in the situation of the unfortunate and guilty individual to whose case the subject-matter of this address is intended chiefly to refer. After a long, patient, and impartial investigation, the jury was under the necessity of returning a verdict of guilty; the legal consequences of which verdict was now shortly to be carried into execution."

At this point, so the press men record, Mr. Fauntleroy groaned deeply.

"Many offenders," continued the preacher, "whose crimes were of a flagrant description, had been situated similarly to the unhappy man before them, but no case for many years had excited a deeper public interest or a more considerable portion of public sympathy. Petition had followed petition to the throne on his behalf, signed by a small portion of the public, but the great bulk of society had suspended its judgment, and wisely deferred to the executive power to commute or inflict capital punishment. . . . Our erring brother's offence is of great magnitude, and one of the most dangerous description in a commercial country. In extent it is perhaps unparalleled in the history of crimes of this description. It was chiefly committed upon the most extensive and opulent establishment existing in Europe—the Bank of England—the directors of which, with their wonted humanity, on the discovery of the forgeries, replaced the stock in the names of the original owners, who otherwise, in many instances, would have been brought to ruin by the prisoner's conduct."

Here Mr. Cotton was inaccurate, and showed his lack of legal knowledge, for the bank had not yet restored the stolen investments, but was bound by law to do so. He forgot also, whilst praising the humane directors, that forty persons had been hanged within a few years for uttering forged notes of small value.

"Oh, my dear brother," exclaimed the clergyman, in the course of a lengthy peroration, "believe in the Lord Jesus Christ and thou shalt be saved. . . . Many of your sins are known only to God and to your own heart, and no one of them which is unrepented can be forgiven. . . . Little as the time is that you have to live you have it in your power to testify to the sincerity of your repentance. You have been warned privately, and I now admonish you publicly, that you should, before you depart from this world, give every explanation of the transactions in which you have been engaged to those who have or may be injured by the want of such information. It is your duty to do all in your power to make honourable amends to the parties who have been injured by you, and may God Almighty impart to you the desire to give this proof of your repentance."

At the conclusion of the service the condemned man, who had suffered the keenest anguish during the Ordinary's remarks, was unable to walk from the chapel without assistance. He was borne away by Baker and Springett, followed by William Wadd and the two solicitors. On reaching his room he exclaimed, "Thank God this is over," bursting into a flood of tears. It is pleasant to remember that the Rev. Horace Cotton, a harmless and worthy gentleman in most respects, was censured severely by those in authority for his eloquence at Fauntleroy's expense, being accused of "harrowing the prisoner's feelings unnecessarily." John Hopton Forbes, however, wrote to the papers to deny that the sermon of the Ordinary had "any bad effect" upon his client, protesting that he had remained calm and resigned for the rest of the day, "being absorbed"—thanks to Messrs. Baker and Springett—"in spiritual concerns."

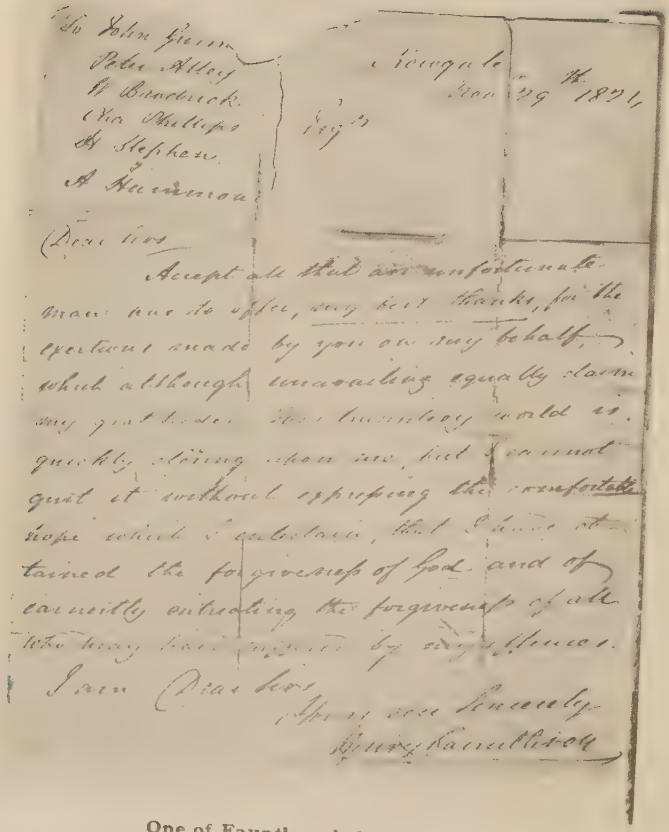
That night he slept soundly for many hours, like so many criminals as the gallows draw nigh. In the morning—Monday, his last day on earth—after breakfast with the

Peckham clergyman, he received a visit from his son and his brother, who were allowed to remain with him until three o'clock. Amidst the various descriptions of this farewell interview, replete with imaginary dialogue, one fact at any rate seems clear—that his fortitude remained unshaken. Owing to the ministrations of Cotton and Baker, the godless and licentious Fauntleroy had become a sincere penitent, awaiting his doom with tranquil courage. He was able to discuss plans for his boy's future intelligently, his sole apprehension being that the son inevitably must bear the stigma of his father's disgrace.

When his relatives were gone he spent the rest of the afternoon in prayer with his friend Springett, who had promised at his urgent entreaty to stay with him till the end. In the evening he saw Messrs. Forbes and Mayhew for the last time, examining the cash books and ledgers of his bank for several hours, endeavouring to explain the intricate details of his forgeries. After this task was over Mr. Wontner came to visit him as usual and tried to persuade him to take something to eat, but the wretched man protested that he "loathed food." For hours he continued to pace the room, leaning on the arm of the devoted Springett. Although he protested that he could never sleep until that "awful moment," about three o'clock he was induced to lie upon the bed. The clergyman, who left the room for a few moments in the belief that he had fallen into slumber, found him, when he returned, sitting by the fire and greatly terrified. Early in the morning he was able to accept a cup of tea and a biscuit, and then wrote a few brief letters to some of his intimate friends. One of these, addressed to John Gurney, Peter Alley, Mr. Brodrick, Charles Phillips, H. Stephen, and Anthony Hammond runs as follows:—

> Accept all that an unfortunate man has to offer, *my best* thanks for the exertions made by you on my behalf, which though unavailing equally claim my gratitude. This transitory world is quickly closing upon me, but I cannot quit it without expressing the comfortable hope which I entertain, that I have obtained the forgiveness of *God* and of earnestly entreating the forgiveness of all who may have suffered by my offences.[1]

[1] MS. letter in the possession of Sir John Hall, Bart.



To John Gunn
Peter Alley
W Broderick
Chas Phillips
H Stephen
A Hammond

Newgate
Nov 29th 1821

Dear Sirs

Accept all that an unfortunate man has to offer, my best thanks, for the exertions made by you on my behalf, which although unavailing equally claim my grateful [illegible] this transitory world is quickly closing upon me, but I cannot quit it without expressing the comfortable hope which I entertain, that I have obtained the forgiveness of God and of earnestly entreating the forgiveness of all who may have suffered by my offences.

I am Dear Sirs
Yours ever Sincerely
Henry Fauntleroy

One of Fauntleroy's last letters.

Shortly afterwards he asked for water to wash; and, a little later—according to the newspapers, which have put on record every incident of his last hours—he was attended by Mr. Gosling, the hairdresser, of Martin's Court, Ludgate Hill, who shaved him by candle-light, to whom he gave half-a-crown instead of the customary fee of one shilling. It may be conjectured that the barber reaped a rich harvest later in the day from a crowd of curious customers, eager to listen to his story of the condemned cell. At six o'clock Mr. Cotton appeared on the scene and was surprised, so he related subsequently, to find the prisoner airing a shirt before the fire, unmindful of the fact that the poor creature was in need of all the warmth he could obtain on this chill November morning.[1] Neat and precise to the last, the forger made as careful a toilet for the gallows as he would have done for a social gathering in the days of his vanity, choosing a suit of black, with trousers, silk stockings, and dress shoes, and a white handkerchief around his neck. To Mr. Baker, who had resumed his work of mercy before the arrival of the Ordinary, he gave a few pounds to distribute among the needy people in the prison, and he left a ring for Mrs. Harris, the wife of the turnkey, to whom and also to her husband he offered thanks for their kindness.

Fauntleroy was spared a visit to the Press Yard, or to the adjacent apartment, where the manacles of prisoners were knocked off before the march to the scaffold. About half-past seven o'clock he was conducted to the "Upper Condemned Room," and here his favourite hymn was sung—"God moves in a mysterious way"—and he partook of the Sacrament. From the numerous conflicting reports it may be gathered that Sheriff Brown and his solemn train—for Alderman Key did not care to be present—attended their victim at a few minutes before eight. Another essential company was now admitted, a dozen "gentlemen of the press," who, as they entered the room, beheld a scene that must have lingered persistently in their memories. At the

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[1] "Recollections of John Adolphus," p. 151; *Morning Chronicle*, 1st December, 1884. It does not seem improbable that Cotton was responsible for some of the newspapers accounts of Fauntleroy's last hours.

end of the long low stone chamber, dimly lighted by two candles, a small group was gathered in front of the fire—the Rev. Horace Cotton pronouncing platitudes, Baker and Springett on either side of the prisoner with their arms linked in his, while they continued to soothe him with gentle words as if he were a child. His face was like a death mask, white, immobile, and inexpressive, for his faculties seemed benumbed as though he were under the influence of a narcotic, but he stood firmly in a not ungraceful pose and he bowed slightly to the Sheriff, who addressed him in a few kindly words. An instant later, the Ordinary—clever stage manager—led the criminal a pace or two apart, and the officers, seizing the opportunity, came behind and began to place their ropes about his arms. For a moment he seemed terrified, and like a frightened child shrank for refuge to his two faithful friends who gently placed his hands across his breast, while the attendants pinioned his elbows with their cords.

"A stern test of artistry is the gallows," writes Mr. Charles Whibley,[1] and Henry Fauntleroy, although not comparable as an artist in this respect to Mary Blandy or Richard Parker, nevertheless bore himself valiantly. The clock of St. Sepulchre—ominous name!—struck the hour. With a grave inclination of his head towards the convict the Sheriff marched towards the door, followed by the white-robed Cotton. Then came the hapless banker, supported by Baker and Springett. With tightly-closed eyes and mechanical gait he moved almost as an automaton, as though his nerves were dead and his senses steeped in torpor. But there was no faltering. Through the long vaulted passages, with the tramp of footsteps beating a sonorous funeral march, down cold, steep stairs and along cavernous windings, amidst a gloom made more fearful by the glare of scanty lamps, the solemn procession crawled onward. As it reached the gate of the long corridor leading into the high, square lobby, whence the Debtor's Door opened upon the street, the Ordinary commenced the service for the dead. At the sound of the unctuous voice the wretched sufferer started, and clasped and unclasped

[1] "A Book of Scoundrels," Charles Whibley, p. 18.

his hands. No other sign of emotion marked his bearing; and even when the boom of the passing bell smote the startled ears of his companions, and their footsteps paused for a moment involuntarily, he showed no sign of nervousness.

Across the lofty stone hall and through the portals of the prison the Sheriff and Ordinary went onward. There was a rush of chill, damp air from the open door, the wooden stairs of the scaffold reverberated with the thud of feet, and in another moment Fauntleroy, still supported by his friends, was standing upon the platform in the open road beneath the frowning walls of Old Bailey. Instantly every head in the dense crowd was uncovered. Yet this is not a token of respect for a dying man, but a time-honoured custom, so that the view of those in the rear may not be obscured. With eyes still closed and his face turned towards Newgate Street, Fauntleroy moved beneath the cross-bar. Physical exhaustion was fast conquering him, and the officials hastened their task. In a moment the white cap was slipped over his head, while Baker, accustomed to these scenes, spoke to him in earnest prayer. "Yes, yes, yes," he was heard to murmur in response, while the Rev. Mr. Springett, bidding him a last farewell, fled from the scene in anguish. The halter was placed around his neck, and the loathly creature, whose expert hands had finished pawing his victim, glided swiftly from the scaffold. Cotton continued to read from his book, but his eyes stole sideways furtively, and he threw a glance of meaning upon the hangman as he was descending. "Suffer us not, at our last hour, for any pains of death, to fall from Thee," declaimed the Ordinary, and with these words he passed a handkerchief across his lips. It was the signal! The well-greased bolt was slipped, there was a crash of falling timber, and to those in the street Fauntleroy appeared to sink through the platform as far as his knees, and hung swaying from the stout black beam which held the cord that gripped him by the throat. They had given him a fall of only eighteen inches, and the executioners beneath the scaffold, out of sight of the spectators, seized his legs immediately, dragging them down with all their force. But even so, some convulsive struggles took place. It was five minutes past eight when the trap-door fell, only three minutes after he had left his cell.

John Foxton was the hangman, with John Cheshire, yclept "Old Cheese," as his assistant.[1]

A more stupendous throng had never gathered around the grim walls of Newgate. Over one hundred thousand persons were said to have witnessed the spectacle, and reserved seats in the houses commanding a view of the Debtor's Door had been booked in advance. At the "King of Denmark" in the Old Bailey, the sum of fourteen shillings was charged for a place, while at Wingrave's eating-house and at Luttman's, which were exactly opposite "the drop," the price was as high as one pound. "Many respectable females," said the *Morning Post*, "were present at the windows, all attired in deep black." A line of large wagons, hackney coaches, and cabriolets, all of which reaped a rich harvest, stretched from the corner of Giltspur Street and Newgate to Skinner's Street, Snowhill, and every housetop was overflowing with holiday-makers. It was a bitterly cold morning, with icy rain-storms and a raw mist, so the resolute thousands deserved the enjoyment for which they had braved all the ills of the flesh. Most careful precautions were taken to avoid a repetition of the recent tragedy at the Haggerty-Holloway hanging, when the mob trampled to death some fifty of its fellows. Six huge barriers stretched across Newgate Street at the corner of the prison, and there were two intermediate ones, to break the press, between that place and the scaffold. More were erected at the Ludgate Hill end of Old Bailey, and within the barricade around the gallows were four hundred constables. Sad to relate, the object-lesson was a failure in one instance, for Henry Norman, a fine-looking lad of fifteen, was charged at Guildhall on the following morning with picking a pocket, the owner of which was gloating over the spectacle of the strangled banker.

After hanging for the usual time, the body of the malefactor was cut down and taken to a room called "the dead room," where the bodies of the convicts were prepared for burial before being delivered to their friends. His features were calm and peaceful, declared one of the reporters, "not being distorted, as is usually the case when the culprit is of a strong frame

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[1] *Gentleman's Mag.* (1829), I., 282; *Notes and Queries*, 10 S., VIII., 246.

and has undergone a severe and painful struggle." Only a few persons were allowed to view the corpse. At eight o'clock in the evening it was placed in a leaden shell and conveyed by Messrs. Yale & Barnard, the undertakers, to their premises opposite the gaol, where it was soldered down immediately by order of the relations, who had reason to fear that it might be exhibited at a price to morbid sightseers. These precautions gave rise to a strange rumour, for it was whispered at the time, and believed by many long afterwards, that Fauntleroy, more lucky than Jack Sheppard or Dr. Dodd—whose friends tried in vain to restore them to life—had been resuscitated by a friendly surgeon soon after his execution.[1] Indeed, some credulous persons were convinced that they saw him subsequently in Paris and in America.

Two days later, on Thursday, 2nd December, the body of the forger was interred in the family vault at Bunhill Fields, at that period the burial-place of the Nonconformists. The Rev. W. Springett conducted the service; the son, the brother, and Harris, the turnkey, being the chief mourners.

On the morning after Fauntleroy's death each of the great London newspapers contained a long leading article, most of which applauded the justice of his punishment. When Cotton declared that only a small portion of the public had signed the petition for reprieve, he was stating an obvious fact; but this does not prove that the bulk of the population was in favour of the capital penalty in cases of felony. The majority of the people was still a voteless, inarticulate mass, with neither the power nor the enterprise to express its opinions; and, as has been pointed out previously, there were large numbers of able and influential persons who believed that the cruel criminal code should be mitigated. The daily press, however, gave utterance to the views of the man of affairs, who was convinced that the credit of the nation would have been jeopardised unless death continued to be the punishment of the forger. If a poll had been taken of the members of the Common Council—although most were

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[1] The Anatomy of Sleep," Edward Binns, p. 282; *Notes and Queries*, 1 S., VIII., 270; IX., 445; X., 114, 233; *cf.* "Old and New London," Walter Thornbury, II., 455.

radicals and reformers—there is no doubt that nearly all of them would have decreed that the Berners Street banker must go to the scaffold. Thus, beyond all question, Fauntleroy was hanged because the city of London thought that he ought to be hanged, for the city is not often the home of lost causes. So the protests of the sentimentalists were unavailing. The robber of so many hundreds of thousands of pounds was deemed "an unfitting object" for the prerogative of mercy.

In these record-breaking times it is a common occurrence for a trusted financier to embezzle half a million, but before the achievements of Henry Fauntleroy all previous forgeries sink into insignificance. Poor Dodd surrendered all he stole, and Wynne Ryland's fraud was, in its way, as artistic a performance as those of Thomas Chatterton; while a brief career of crime—as in the case of Henry Savary, of Bristol, who was lucky enough to escape the gallows—ruined the brothers Perreau. Although the public welcomed James Rice, the broker who appropriated £48,000, as a first-class criminal, he earned his prestige chiefly through being extradited from France. In a small way, Henry Cock, the lawyer, anticipated the Berners Street frauds, and two other cases bear some resemblance. Henry Weston, a man of good family and social position, who was hanged at the Old Bailey on 6th June, 1796, disposed of stocks, amounting to £25,000, in a similar manner to Fauntleroy; and Joseph Blackburn, one of the most respected of Leeds attorneys, who suffered a lingering death at York on 8th April, 1815, committed innumerable frauds for a number of years by transferring and altering the denominations of the old familiar blue stamp. But the crimes of all these were small in comparison with those of the banker of Berners Street.

"Fauntleroy's doom was as thoroughly recognised as well-merited," writes Mr. Thornbury, sternly, about forty years after the event, "that, although in 1832 every other kind of forgery was exempted by law from the gallows, the hands of the hangman still hovered over the forger of wills and powers of attorney to transfer stock."

Certain of his contemporaries, not appreciating his eminence in crime, have regarded his story merely as the old story of "wine and women." To a certain extent this is

true, but not by any means the full explanation. Obviously, he was a temperate man, although undoubtedly a bon-vivant, or he would never have been the superlative forger. Moreover, whilst inordinately vain and seeking the reputation of a dandy, he was by no means a common roué. Intelligent and refined, he was unmistakably a gentleman; and thus, like all criminals of his kind, who usually have belonged to the better classes, he received a large measure of public sympathy. Although driven to crime in the first instance by moral cowardice and craving for self-indulgence, he must have possessed an almost Napoleonic confidence that he would be able to overcome his misfortunes. Too stubborn to relinquish the terrible struggle, he refused to surrender, when, had he been less dauntless, he might have made his escape to America with his ill-gotten gains.

But, while there is much that is arresting in his character, our real interest in the man is aroused by his supreme ability as a criminal. Fauntleroy is the prince of forgers, as truly as Jack Sheppard is the greatest of prison-breakers, and George Barrington the most accomplished among pickpockets. When one tries to realise the stupendous task of manipulating figures of such magnitude for so many years, the brain reels. The regular payment of dividends lest the victims should become aware of their loss, the constant replacement of stock when discovery seemed to threaten, the repeated buying and selling in order to rob Peter to-day to pay Paul to-morrow, the daily juggling with the books, and adjustment of balances, added to the ceaseless vigilance lest the error of a few figures should mean betrayal to partners or clerks—all these wonderful transactions show an example of mathematical legerdemain such as the world has seldom seen. When it is borne in mind that the man was playing for nearly ten years with sums amounting in the aggregate to half a million sterling, his title to the incomparable forger of all times cannot be challenged.

In private life, Fauntleroy seems to have been a gentle and amiable person, and the fulminations of the *Times*, which stigmatise him as "utterly degraded in mind as well as in body," cannot be true, or he would not have gained the affection of so many estimable friends. It is impossible

that Sir Charles Forbes, Divie Robertson,[1] William Wadd, or Joseph Bushnan would have associated with him had he been a man such as that depicted by the great newspaper. The dishonest financier, when successful, is usually a man of charm; and being an inveterate optimist like every reckless gambler, who is always expecting a favourable coup, he does not anticipate that he will involve others in ruin as well as himself. Base though he was, Fauntleroy was not guilty of the most cowardly turpitude of all. He did not take flight to the Continent or to the United States with his baggage full of specie—as he might have done, and as Rowland Stephenson actually did a few years later—but he battled on valiantly to the last, evidently hoping against hope that the tide would turn in his favour.

There is one other hostile chronicler in addition to the *Times*, namely, the Rev. John Richardson, one of Fauntleroy's casual acquaintances, with whom every one must be in agreement when he speaks of the forger's vanity, selfishness, and debauchery.[2] "To whitewash the scoundrel," says Mr. Whibley, with characteristic irony, "is to put upon him the heaviest dishonour,"[3] and in the case of the Berners Street banker no apologia would suffice. Still, although Parson Richardson is more than justified in calling the man coxcomb, hypocrite, and sensualist, one can find no evidence to justify the assertion that he was mean and implacable in revenge. On the contrary, it appears to have been his policy to seek popularity with rich and poor alike—as was natural in the case of one who knew that some day he might be in dire need of the goodwill of his fellow-men—and he seems to have been regarded as a kind and benevolent gentleman. An impartial observer has left on record that until his frauds were discovered he retained "the marked confidence" of many estimable friends.[4] Some of the humble inhabitants of Hampton-on-Thames, who survived until the nineties of the last century, held him in kind remembrance. Old Heather, a

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[1] Who was the uncle of Mr. W. E. Gladstone.

[2] "Recollections of the last Half-Century," Rev. John Richardson, II., 44.

[3] "A Book of Scoundrels," Charles Whibley, p. 17.

[4] "The Bank of England's Case," by a Solicitor (1825), p. 36.

famous local character, used to boast that he once bought "a crop o' taters off him and a very nice gentleman he was," and Ruff, the parish beadle and parish constable, who died as recently as 1895, was in the habit of visiting Parkbrooke, when the banker lived there, to sell him cray fish that he had caught in the river.[1] The one great blot upon his domestic life, and that is a black one, was his treatment of his poor wife.

Although it is impossible to extenuate his offences, he is not unworthy of our pity. One's compassion goes forth to the young bank manager of twenty-two, who took up his grievous responsibilities with the confident zeal of youth, unaware of the crushing burden that was being laid upon his shoulders. Colossal though his crime, it is not difficult to imagine how great must have been his temptation; and it is evident that almost to the end he was hoping against hope that he would be able to rescue his firm from insolvency. Remembering, too, his awful punishment, one cannot deny that he made a full expiation. His fate was the same as the fate of the brutal cut-throat or the cowardly poisoner. And the murderer in most instances was more capable of enduring his penance, being a creature of a coarser mould. Men, such as Thurtell, Burke, or Corder, seem to have acquired some exhilaration from their notoriety, or at all events exhibited far less sense of their infamy and disgrace. Fauntleroy, however, suffered the keenest misery that the human mind can experience from the moment of his arrest until he stood upon the scaffold. It is heartrending to think of the long, drawn-out agony that this nervous and highly-strung gentleman must have borne unceasingly during the degradation of his trial and imprisonment; and the mind shrinks in horror from the picture of the frail figure swinging on the gallows before the gaping crowd, while the life is slowly choked from his body. There was no mercy for the forger, when his embezzlements were considerable, in the good old-fashioned days.

It is easy to trace the careers of some of Fauntleroy's friends and relations, but the subsequent lives of others is wrapt in mystery. Elizabeth Fauntleroy, his mother, only

[1] *Notes and Queries*, 8 S., X., 173.

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lived sixteen months longer, dying in Regent Street on 13th April, 1826, at the age of 68. It has been said that she was kept in ignorance of her son's fate, being told that he had been thrown into prison for debt. Since the Bank of England replaced her stolen stock, she was in comfortable circumstances to the end, but Mrs. Henry Fauntleroy, the unhappy wife, although inheriting an annuity from her mother (who died soon after the execution) is believed to have been left very poor.[1] Happier days, however, were in store for her, since, when her son began to prosper in the world, she shared his home. She survived until far into the nineteenth century, beloved by her grandchildren.

Naturally, young Fauntleroy had to quit the Hyde Abbey School at Winchester in consequence of his father's disgrace. Assuming the name of Henry Malcolm, the maiden name of his maternal grandmother, on the advice of his friends, he obtained a Smythe Exhibition at Tonbridge, proceeding thence to St. John's College, Cambridge, where he was a Worall's Exhibitioner from 1829 to 1833.[2] Soon after he left Cambridge, his staunch friends, Divie Robertson and Sir Charles Forbes, tried unsuccessfully to induce the Court of Bankruptcy to admit his claim to £2000 on his father's estate.[3] By the influence, probably, of these two Scotsmen, he became tutor to Sir Archibald Campbell, Bart., of Succoth, with whom he remained for four years. Having decided to take holy orders, he was ordained deacon on 29th October, 1837, by the Bishop of Durham, and was curate for twelve months at Christ Church, Glasgow. In the next year he was appointed assistant curate at Eckington, in Derbyshire, where he remained until 1843, being in the meantime ordained priest by the Bishop of Lichfield on 5th March, 1840.[4] While at Eckington he acted as tutor to the sons of Sir George Sitwell, whose seat of Renishaw was in the neighbourhood, occupying this post for six years. Finally, on 4th August, 1844, he was "inducted into the charge" of St. Mary's Episcopal Church,

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[1] *English Gentleman*, 26th December, 1824.

[2] Register of Tonbridge School (ed. 1911), H. E. Steed; Register of St. John's College, Cambridge.

[3] Files of the High Court of Justice in Bankruptcy.

[4] Crockford's Clerical Directory for 1885.

Dunblane, near Bridge of Allan,[1] where he continued to be rector until the end of his life, which lasted more than half a century longer. He became a Canon of Perth Cathedral.

It was a wonderful career, considering the misfortunes of his early youth, but Henry Malcolm was a man of a different calibre to his father. He had not been afraid to face the world in brave, honest poverty, and he won his way from school to the University by his own exertions. That two men of position should have entrusted their sons to his care, in spite of his parentage, is a testimony to his worth. Throughout his career he retained the respect and affection of all who knew him. His marriage, which took place on 31st July, 1849, was a fortunate one, "a very happy thirty years of sweet domestic life" ensuing, until the death of Mrs. Malcolm in May, 1879. They had four daughters. One who was his friend speaks of him in his prime as "solidly built," with square shoulders and slender whiskers, with hair as black and glossy as a raven's wing." Until two years before he died he was vigorous and active as a young man. On 4th August, 1894, when he had been rector of Dunblane for fifty years, "his congregation and a wide circle of friends" made him a gift of £500. His death occurred on 15th January, 1895, at the age of 86.[2]

John Julius Fauntleroy, the only surviving brother, who was carrying on his business as a solicitor at 2 Edward Street, Cavendish Square, at the time of the trial, continued to practise for many years at various addresses in Regent Street. Afterwards, he removed to 14 Great Portland Street, which was his office until his death.[3] He does not appear to have been a successful man, and committed suicide in March, 1850, at the house of his sister, Mrs. Wood, of Mason's Bridge, Horley. Late in life he joined the Church of Rome. He never married.

The bereaved Maria Forbes elicited more sympathy, judging from the innumerable paragraphs in the newspapers, than

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[1] *Cambridge Chronicle*, 14th June, 1845; *cf.* Crockford for 1885, and *Stirling Journal*, 18th January, 1895.

[2] Obituary notice in the *Stirling Journal*, 18th January, 1895.

[3] Law Lists. He was named after John Julius of St. Kitt's, a connection of his mother, who died 18th November, 1815.

any of Henry Fauntleroy's connections. Her beauty, her piety, and her distress were themes of universal interest, and for a while the large-hearted British public pitied her exceedingly. The devout rejoiced to know that she had always been a regular worshipper at the Rev. Mr. Wodsworth's church at South Lambeth. Even the ungodly were touched by the intelligence that she had prepared some dainty dish for her protector each day since he had been in prison, and that he made his last dinner from a pigeon pie that she sent to him on the Monday morning before he was hanged. Convinced that she was the innocent victim of seduction, every one applauded the decision of the assignees, appointed to administer the estate of Messrs. Marsh & Co. under the Commission of Bankruptcy, to allow her to retain the annuity that Henry Fauntleroy had settled upon her. It was not regarded as at all incongruous that the mistress should have a villa in a pretty garden with three servants, while the lawful wife should be able to afford only one room in a lodging-house.

Eventually, "Mrs." Forbes betook herself to Brighton, where she had spent so many happy days with Fauntleroy in former years, and in order to avoid publicity she changed her name to Forrest. Naturally, a pretty girl of twenty was not able to remain in seclusion for very long. Persistent admirers flocked to her house at No. 24 on the New Steyne, and, as a natural result, she soon found consolation for her recent tribulation. In due course, she began to drive along the front in a barouche and four, which was declared by the scandal-mongers to be her own. It was whispered that "Mrs." Forbes, *alias* Fox, *alias* Forrest, was in "high keeping" once more. Worse disrepute followed speedily. Her next door neighbour happened to be an elderly lawyer named Barrow, who watched her conduct with increasing suspicion. He observed that dashing gentlemen in gigs used to call at No. 24 all day long. He noticed that, in addition to the mistress, the house contained three immodest young ladies, who sat at the open windows and cast provocative glances upon the passers-by. He was disturbed by the sound of revelry until the early hours of the morning. At last, exasperated beyond endurance, he circulated a handbill, printed in capitals—"Beware of the Bawdy House, 24 New Steyne." Finally,

when some of Mrs. Forrest's male friends, resenting his attitude, retaliated by caning him in public, he brought an action against the lady for keeping a brothel.

The case was tried at the Sussex Lent Assizes in March, 1827, before Mr. Justice Littledale,[1] when John Adolphus,[2] a tough Old Bailey barrister, who appeared for the defence, related a harrowing story of the misfortunes of his youthful client. He told how she had been seduced by Fauntleroy at the age of fourteen, being "the innocent and virtuous victim of his passions." He spoke with emotion of her fatherless children, and derided the notion that a girl of twenty, who had an annuity of her own, should commit the offence with which she was charged. Mrs. Forrest—so the reporters declare—was "a fair and engaging woman," and the jury were sympathetic. The judge, too, was no curmudgeon, for when a verdict of "Not guilty" had been returned upon the first indictment, he advised the prosecution not to proceed with the case. It is significant, however, that he complimented the aggrieved Mr. Barrow, observing that he had acted properly in coming forward. The newspapers also insinuated that the defendant was very fortunate to win her case. Henceforth, Mrs. Forrest faded from public view. In after years she married a Captain Christie, an adventurous soul, who had spent a portion of his life in prison for debt.[3] Tradition does not relate whether the union was a satisfactory one.

Soon after the execution of Fauntleroy, a fresh scandal was unearthed by Messrs. Bolland, Hare, and Knight, the assignees of the bankrupt estate. They found evidence in the books of the bank that the forger had transferred an insurance policy and certain stocks and shares three or four years previously to Mrs. James Cathrow Disney, the wife of the Somerset herald,[4] whose acquaintance he had made in 1814, when he

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[1] Sir Joseph Littledale (1767-1842), judge. Dic. Nat. Biog.

[2] John Adolphus (1768-1845), barrister and historian. Dic. Nat. Biog.

[3] "Recollections of the last Half-Century," Rev. John Richardson, II., 12; *Morning Herald*, 4th December, 1824; The *Brighton Gazette*, 14th and 21st September, 1826, 5th April, 1827; The *Ramblers' Mag.*, 1st April, 1827, pp. 180-2.

[4] James Cathrow Disney, died 20th January, 1854. His first wife, who was a Miss Wyatt, died 12th July, 1810. His second wife, Eleanor, died in 1850.

sought the help of the College of Arms in verifying his pedigree. In consequence of this discovery, a petition was addressed to the Lord Chancellor, and after lengthy negotiations Mrs. Disney consented to surrender her ill-gotten gains on condition that the whole of her letters to the late bank manager, which had been confiscated by the Court of Chancery, should be returned to her. Her demand was accepted, and, as far as the Commissioners of Bankruptcy were concerned, the matter ended.[1]

The newspapers, however, revelled in the story. It was insinuated that Fauntleroy had been on the most intimate terms with the lady, whom he used to visit with the connivance of her husband at all hours of the day and night. In addition to the plunder which she had given up, he had made her an allowance (it was said) of £500 a year, besides providing her with a cottage in the country, first at Richmond and afterwards at Crawley. The "amatory correspondence," discovered in a tin box by Mr. Freshfield—a most indomitable explorer of tin boxes—was alleged to leave no doubt as to the relationship that had existed between the pair. Some years previously Mrs. Disney had lived at Brighton, where she attracted notice by her "expensive style."[2] Although much, no doubt, was exaggerated, some of the rumours were true, for it is beyond dispute that the lady received rich presents from the Berners Street banker, both in money and in kind; and the complacent husband gave further publicity to the scandal by addressing a wrathful letter to the newspapers. He complained of a statement in the *British Press*, of 17th December, which, he protested, "notices an examination of Mrs. C. Disney before the Commissioners (of Bankruptcy), and draws conclusions that an improper intercourse existed between Mr. Fauntleroy and Mrs. C. Disney, and that I was privy to so foul a transaction." In a burst of *naïveté* he added, "what took place during the examination I can only learn through the medium of Mrs. Disney and her legal advisers," but he denied emphatically that he had any knowledge that "sums" were received by

[1] Bankruptcy Order Book, No. 168. Public Record Office; *cf.* The Fauntleroy Pedigree at the College of Arms.

[2] *Times*, 16th December, 1824; *British Press*, 17th December, 1824.

his wife or that she "had any intercourse with Fauntleroy but that of friendship." He declared that he "totally disbelieves the insinuated intimacy."[1] Apparently the domestic peace was undisturbed by the incident, for there is no record either of divorce or separation.

The inevitable set of rhymes—entitled "The Dirge of Fauntleroy"—appeared soon after the execution. They were written by James Usher, the author of "A New Version of the Psalms," and were published by Plummer & Brevis, Love Lane, Eastcheap. They begin—

> What should I fear in youthful days,
> Why shun delicious joy?
> Why not the sports of pleasure chace
> With gallant Fauntleroy?

Because, says the writer, the knowledge of his career should be a deterrent.

> Then list ingenuous youth, my lay,
> And once forego your joy,
> For your instruction I display
> The life of Fauntleroy.

The moral is drawn that had he made his young and lovely bride the "partner of his joy," this "dirge of woe had never been sung." He ought, says the poet, to have taken a lesson from Bradburn's fate, and have forsaken "Jezebel, the Bang."

> But all who know how woman's lure
> Can wisest men decoy,
> Will not with graceless scorn reprove
> Thy frailty, Fauntleroy!

It is hinted darkly—

> Of deeper rogues thou wert the screen
> Most facile Fauntleroy!

And the directors of the bank are told that they—

> Had their own carelessness to thank
> As much as Fauntleroy.

After praising Mr. Justice Park for his fairness to the prisoner, the author concludes with an attack upon the newspapers—

> Some writers of the public press
> Who cry, destroy, destroy,
> Convicted felons stand no less
> Than flouted Fauntleroy.

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[1] *Morning Post*, 24th December, 1824; *New Times*, 24th December, 1824.

Fauntleroy is celebrated also in a more creditable style of literature, being depicted in Bulwer Lytton's novel, "The Disowned," as the dishonest banker, Richard Crauford, who, like his prototype, commits forgery. Crauford is an unconvincing character, but there are spirited descriptions of his arrest, and of his execution.[1] It is obvious, too, although the fact has not been chronicled by a contemporary writer, that Philip Ramsey, the fraudulent banker of G. W. M. Reynolds's "Mysteries of the Court of London," is intended to represent Henry Fauntleroy. In many respects the resemblance is identical, for this particular forger is depicted as a coxcomb, a gay Lothario, and a man of assured position. There are harrowing particulars of the last hours in the condemned cell, and of the scene upon the scaffold. The legend of the resuscitation is utilised, for the body of the criminal is taken from the gallows to the dissecting-room of a distinguished surgeon, who restores the man to life.[2]

Of course, the pretty tale of "Little Lord Fauntleroy" has no concern with the Berners Street forger, the name probably having been chosen by Mrs. Hodgson Burnett because of its euphony, or it may have been suggested by the fact that a branch of the Fauntleroy family is settled in the United States. Occasionally, but not often, the dishonest banker is mentioned by the writer of to-day, and there is a reference to him in one of the delightful novels of Anthony Hope.[3]

"It is no longer a capital offence," declares Arty Kane, referring to forgery, and addressing charming Peggy Ryle, "you won't be hanged in silk knee-breeches like Mr. Fauntleroy."

The truth, however, is more prosaic, for Mr. Fauntleroy went to the scaffold in a pair of trousers.

It is strange, indeed, that his story has not been utilised more often by the novelist, for it is one of intense human interest. The eminent banker, held in high esteem by the world of commerce, whilst all the time he is the greatest

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[1] See chapters 82 and 88 of "The Disowned"; *cf.* "Some Experiences of a Barrister's Life," Serjeant Ballantine, 1., 309.

[2] "Mysteries of the Court of London," 1st series, vol. I., chapters 56, 63, and 66.

[3] "The Intrusions of Peggy," Anthony Hope.

swindler of his day; the prim and precise man of business, whose existence, outside his counting-house, is passed in a whirl of gaiety and dissipation, and who, despite his double life, is regarded with respect by all classes of society; the stupendous fall from luxury and repute to the condemned cell; and, finally, the spectacle of a sensitive gentleman hanged by the neck in front of Newgate Prison on a dismal winter morning —surely such a story, true though it be, is as fantastic as any that has been woven by the imagination.

Fauntleroy's library—in the accumulation of which he had taken so much pride—was sold by Mr. Sotheby "at his house, Wellington Street, Strand," on Monday, 11th April, 1825, and the three following days. It was a large and valuable collection, famous among book lovers. The superb extra-illustrated copy of Pennant's "London," in seven volumes, was bought by Sir John Soane for £682 10s. Altogether, the sale realised the sum of £2714 14s.

The Brighton villa, "Hampton Lodge," had been disposed of previously, being put up to auction on 29th December, 1824, when it was purchased by Sir Edward Codrington for £4590. In the agent's advertisement, which appeared in the *Times* on the 17th of the month, it is described as follows:—

> A Freehold Grecian Villa, much admired for its chaste design of elevation, unique in its interior comforts and simple elegance, standing in a lawn, ornamented with choice shrubs; a conservatory, a billiard-room, tastefully fitted up in imitation of Bonaparte's travelling-tent, a four-stall stable with double coach-house, &c., the whole enclosed with a capital wall and carriage entrance, the property and residence of the late H. Fauntleroy, Esq., delightfully situate on the north side of Western Palace, Brighton, commanding an extensive sea view, with a view of Worthing and the adjacent country; also two valuable pieces of Building ground.

The two building plots realised the sum of £1200 and £440 respectively. A newspaper account of the sale gives the information that, although the furniture was "inferior," good prices were obtained owing to the competition of buyers. That his library and seaside home should have been sold at auction for nearly £9000—a large sum in those days—is a significant example of the forger's reckless prodigality.

The evil that Fauntleroy had wrought "lived after him," for the financial ruin that he left behind occupied the Court

of Bankruptcy for many years, and it was not until 1852 that the creditors of Messrs. Marsh & Co.—many of them poor folk—received their final dividend, making in all the sum of 11s. 2½d. in the £. For a long time there was a fierce contest between the Bank of England and the assignees of the estate, representing the depositors. The question at issue was whether the fruits of the forgeries were to be regarded as forming part of the assets of the Berners Street firm; or, in other words, had Fauntleroy alone profited by his frauds, or had the proceeds been paid into the accounts of Messrs. Marsh & Co.? It was alleged in Threadneedle Street that Marsh & Co. had received the money, and the directors of the bank asked that it should be restored. Naturally, the depositors were loath to admit the Bank of England's claim, since obviously, if this was acknowledged, the sum available for dividends would be much diminished, and Mr. Wilkinson, the accountant employed by the assignees, and Basil Montagu,[1] their counsel, strove to prove to the Commissioner at the Court of Bankruptcy in Basinghall Street that the dead convict had appropriated the whole of the money that he had stolen.[2]

As early as March, 1825, Commissioner Law declared that the Bank of England was bound to repay those stockholders, whose securities had been illegally sold by Fauntleroy, which statement encouraged these people to resist the claim of the directors; for all of them were depositors, and thus were creditors of the Berners Street establishment. The total loss of the Bank of England through the forgeries amounted to the great sum of £360,214,[3] and it claimed £250,000, admitting, presumably, that the balance had been dissipated by the forger, and that Messrs. Marsh & Co. had received no portion. Eventually, the bank decided to write off £250,000 of its loss as irrecoverable, but the sum of £110,000 remained in abeyance pending the decision of the House of Lords. In September, 1835, however, the matter was at length compromised by the

[1] Basil Montagu (1770-1851), son of John, 4th Earl of Sandwich and Martha Ray. Dic. Nat. Biog.

[2] *British Press*, 20th December, 1824; 2nd February, 1st March, 11th April, 1825; *cf.* "The Bank of England's Case," by a Solicitor (Lupton Relfe), 1825.

[3] Report of Committee of Secrecy on Bank of England's Charter. *Vide* Evidence of John Horsley Palmer, Appendix, p. 55.

payment of £95,000, so that the Old Lady in Threadneedle Street appears to have been a loser to the amount of £265,214 by the Fauntleroy frauds.

During their examination before the Commissioners of Bankruptcy, the unfortunate partners—Messrs. Marsh, Stracey, and Graham—were subjected to much vituperation from both the creditors and their lawyers, and the newspapers, which chronicled[1] the proceedings, continued to swell the chorus of abuse. It was in vain that the three unhappy men protested that they were precluded by their deed of partnership from interfering with the actual management of the firm, and that the private ledger had been controlled by their active partner, whom they trusted implicitly. The fact that both Stracey and Graham had been in the habit of presenting the forged powers of attorney at the Consols office excited the keenest suspicion. The withdrawal of large sums by Stracey and Marsh as soon as it became inevitable that the bank would close its doors, caused much indignation, which was by no means appeased even when the money was repaid. No one would believe that such gigantic forgeries could have been carried on for ten years or more under their very noses without their misgivings being aroused.

Still, in the end, nothing was discovered to implicate any of them in their partner's crimes. They had been guilty of gross negligence—as the jury declared in one of the innumerable law-suits brought against their firm;[2] they had placed a foolish confidence in Fauntleroy, and had accepted his explanations on every occasion; they had taken no intelligent interest in the conduct of their business; but, at last, both press and public were convinced that they had been unaware, until his arrest, that their manager was a rogue. Each of them had suffered grievous losses by the bankruptcy of their firm, William Marsh being the worst afflicted, for his Naval Agency was indebted to the Berners Street bank for an advance of £70,000, and thus was reduced to bankruptcy. At one of the meetings the old man told his creditors that he was seventy-one years

[1] *Morning Chronicle*, 24th December, 1833; *Morning Post*, 29th December, 1833, and 10th September, 1835, *John Bull*, 20th September, 1835.

[2] Reports of Cases determined at Nisi Prius, Ed. Ryan and William Moody (1823-1826), p. 371.

of age, that he had invested £40,000 in the Berners Street bank, and was now "left without a bed, a table, or even a joint stool." Yet, perhaps he was unduly pessimistic, for the property of his three wealthy wives had descended to him in trust, and his son, Arthur Cuthbert Marsh, being a smart and upright business man (though Joseph Parkins once stigmatised him as "a dandy and a booby"), it is possible that the Naval Agency in Scotland Yard recovered from the crash. At all events, he was able eventually to pay his creditors seventeen shillings in the pound within a few years.[1]

The other two partners were men of property or had rich relations, and although reduced to bankruptcy temporarily by the failure of their firm, they seem to have paid their private debts before long and obtained their discharge. The senior of them, Josias Henry Stracey, who had joined the house of Marsh & Co. as early as 1797, when he was twenty-six years of age, had married subsequently the daughter of the nephew and heir of Sir James Sibbald, also a partner in the Berners Street bank. Owing to the deaths, without issue, of his two elder brothers, Josias Stracey eventually succeeded as fourth baronet, and he died on 6th November, 1855, in his house at Bognor, at the ripe old age of eighty-four. No one who knew him ever had any doubt of his integrity. Good fortune, too, was in store for the junior partner, Lieutenant-Colonel George Edward Graham, who had fought and was wounded in the Peninsular War. Two years after the Fauntleroy debâcle he succeeded to a fortune, and added the name of Foster-Pigott to his original name. From 1826 to 1830 he was member of Parliament for Kinross-shire. He died on 5th November, 1831, at Abington Hall, Bourne Bridge, Cambridgeshire.

The race of Henry Fauntleroy is now almost extinct. Neither his brother nor his sister left any children, and, although two of the four daughters of his son, Henry Malcolm, were married, none of their family survive. Two of the rector of Dunblane's grandsons, who resembled him in amiability and courage, became soldiers, and fell valiantly in the Great War.

[1] Files of the High Court of Justice in Bankruptcy. Bankrupt Buildings, Carey Street, W.C. Arthur Cuthbert Marsh, the son, died 23rd December, 1850, aged 63, at Eastbury, Herts. *Gentleman's Mag.* (1850), I., 227.

H. Fauntleroy.

Leading Dates in the Fauntleroy Case.

1784.	12th Oct., -	Birth of Henry Fauntleroy.
1800.		Fauntleroy becomes Clerk in Berners Street Bank.
1807.	March, -	Fauntleroy appointed Manager of Berners Street Bank.
1814.		Fauntleroy begins his forgeries.
1824.	10th Sept., -	Arrest of Fauntleroy. He is committed to Coldbath Fields Prison.
,,	13th Sept., -	The Berners Street Bank suspends payment.
,,	18th Sept., -	First public examination of Fauntleroy at Marlborough Street Police Station.
,,	1st Oct., -	Second examination at Marlborough Street.
,,	19th Oct., -	Final examination at Marlborough Street.
,,	21st Oct., -	Fauntleroy is removed from Coldbath Fields Prison to Newgate.
,,	29th Oct., -	Grand Jury returns true bill against Fauntleroy.
,,	30th Oct., -	Trial of Fauntleroy at the Old Bailey.
,,	2nd Nov., -	Motion in arrest of judgment fails. Fauntleroy is condemned to death by the Recorder.
,,	23rd & 24th Nov.,	Case argued before the Twelve Judges in Court of King's Bench.
,,	24th Nov., -	Recorder's report reaches Newgate.
,,	28th Nov., -	Fauntleroy attends Chapel and listens to "Condemned Sermon."
,,	30th Nov., -	Execution of Fauntleroy outside Newgate prison.
,,	2nd Dec., -	Fauntleroy is buried at Bunhill Field.

THE TRIAL.

OLD BAILEY, LONDON.

SATURDAY, 30TH OCTOBER, 1824.

Judges—

MR. JUSTICE PARK.

BARON GARROW.

Counsel for the Crown—

The ATTORNEY-GENERAL.

Mr. SERJEANT BOSANQUET.

Mr. BOLLAND.

Mr. LAW.

Counsel for the Prisoner—

Mr. GURNEY.

Mr. BRODERICK.

Mr. ALLEY.

Mr. C. PHILLIPS.

First Day—Saturday, 30th October, 1824.[1]

A great crowd was expected in the Court, and the sheriffs had given orders that no one was to be admitted who had not a ticket signed by one of themselves. The door was to be opened at eight, and, long before that hour, persons began to collect, but not more than thirty or forty. Among the spectators were Lord Montford,[2] Lord Nugent,[3] Mr. Irvine, M.P.,[4] Sir James Perring,[5] Sir J. Shaw,[6] Messrs. Aldermen Wood[7] and C. Smith,[8] the Governor[9] and Deputy Governor[10] of the Bank of England, the Lord Mayor (Waithman)[11] was in Court at the beginning of the trial but soon left to attend to other duties. Ex-Sheriff Parkins[12] was also in Court early and seated himself at the barristers' table, but was soon ejected by the officers of the Court, but he claimed his right as ex-Sheriff to appear there; this the authorities acknowledged. He then went so as to face the prisoner, but Alderman Brown[13] observed that his remaining there might cause unnecessary pain to the prisoner, and Parkins reluctantly withdrew to the back of the Court.

At 9 a.m. Mr. Serjeant Arabin[14] took his seat on the bench

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[1] From the *Times* newspaper of Monday, 1st November, 1824, with additions from the *Morning Chronicle*. No official report appears to exist, and that in the Session Papers is much abridged.

[2] Henry Bromley, 3rd Baron Montford [1773-1851]. *Gentleman's Mag.* (1851), part II., 86.

[3] George Nugent Grenville, Baron Nugent [1789-1851]. *Gentleman's Mag.* (1851), part I., 91.

[4] John Irving (died 10th November, 1845), was M.P. for Bramber, 1806-32. *Gentleman's Mag.* (1846), part I., 93.

[5] Sir John Perring, 1st Bart. [1765-1831], Lord Mayor, 1804. *Gentleman's Mag.* (1831), part I., 176.

[6] Sir James Shaw, 1st Bart. [1764-1843], Lord Mayor and Chamberlain of London. Dic. Nat. Biog.

[7] Sir Matthew Wood, 1st Bart. [1768-1843], Lord Mayor and politician. Dic. Nat. Biog.

[8] Christopher Smith (died January, 1835), Lord Mayor, 1817. Guildhall Record Office.

[9] Cornelius Buller.

[10] John Baker Richards (died 21st November, 1834). *Gentleman's Mag.* (1834), part I., 115.

[11] Robert Waithman [1764-1833], Lord Mayor and politician. Dic. Nat. Biog.

[12] Joseph Wilfred Parkins (died in New York, April, 1840), Sheriff of London, 1819-20. "London and the Kingdom," R. R. Sharpe, III., 311-15; *Gentleman's Mag.* (1840), II., 549.

[13] Anthony Brown (died 15th May, 1853), Lord Mayor, 1826. Guildhall Record Office.

[14] William St. Julian Arabin (died 15th December, 1841). Guildhall Record Office.

and Court opened. The Middlesex Jury then took their seats and minor cases were taken. The London Jury remained in the box set apart for jurors in waiting.

At 10 o'clock Mr. Justice Park[1] and Baron Garrow[2] took their seats on the bench accompanied by the Lord Mayor. The Attorney-General entered Court at the same time and sat next to Mr. Freshfield, the bank solicitor.[3] Samuel Plank, the Marylebone officer, entered Court with numerous account books. The door behind Mr. Wontner's[4] seat was burst open and the crowd rushed in, they were repelled and the door again closed. Then silence, and at 10.5 Mr. Henry Fauntleroy was brought to the bar between the two City Marshals[5] and the Head Turnkey of Newgate (Mr. Wontner). Mr. Harmer,[6] prisoner's solicitor, accompanied him into Court, but left him as soon as he was at the bar and took his seat at the barristers' table.

The Counsel for Prosecution were—The Attorney-General,[7] Mr. Serjeant Bosanquet,[8] Mr. Bolland,[9] and Mr. Law.[10]

For Defence the Counsel were—Mr. Gurney,[11] Mr. Broderick,[12] Mr. Alley,[13] and Mr. C. Phillips.[14]

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[1] Sir James Alan Park [1763-1838], jurist and antiquary. Dic. Nat. Biog.

[2] Sir William Garrow [1760-1840], Baron of the Exchequer, 1817. Dic. Nat. Biog.

[3] James William Freshfield, solicitor (born 6th April, 1775, died 27th June, 1864).

[4] John Wontner [1783-1833], keeper of Newgate. *Gentleman's Mag.* (1833), Part ii., 475.

[5] Neville Brown, draper, appointed Upper Marshal, May, 1822; and William Wadham Cope, fishmonger, appointed Under Marshal, June, 1822. Guildhall Record Office.

[6] James Harmer [1777-1853], solicitor. Dic. Nat. Biog.

[7] John Singleton Copley, 1st Baron Lyndhurst [1772-1863], Attorney-General, 1824; Lord Chancellor, 1827. Dic. Nat. Biog.

[8] Sir John Bernard Bosanquet [1773-1847], Judge of Common Pleas, 1830. Dic. Nat. Biog.

[9] Sir William Bolland [1772-1840], Baron of the Exchequer, 1829. Dic. Nat. Biog.

[10] Charles Ewan Law [1792-1850], Recorder of London, 1833. Dic. Nat. Biog.

[11] Sir John Gurney [1768-1845], Baron of the Exchequer, 1829. Dic. Nat. Biog.

[12] William Broderick (died October, 1830), barrister. *Gentleman's Mag.* (1830), II., 476.

[13] Peter Alley (died July, 1834), barrister. *Gentleman's Mag.* (1834), II., 330.

[14] Charles Phillips [1787?-1859], barrister. Dic. Nat. Biog.

Indictments.

The Deputy Clerk of Arraigns opened the business by addressing the prisoner at the bar in the usual form and arraigning him upon seven different indictments for forging in the usual manner.

Deputy-Clerk of Arraigns[1]—"Henry Fauntleroy, you stand indicted, for that you on the 1st of June, in the fifty-fifth year of the late King, in the parish of St. Marylebone, did feloniously and falsely make and forge and counterfeit a certain deed, purporting to bear the name of Frances Young for the transfer of £5450 long annuities of her monies, in the stocks established by the Act of the 5th of the late King George II. with intent to defraud the said Frances Young of the said stock."

A first count of the first indictment laid the crime as with intent to defraud the governor and company of the Bank of England.

A second count laid the indictment as uttering the said deed with intent to defraud.

A third count charged the prisoner with disposing and putting away the said deed with the like intention.

The fourth, fifth, and sixth counts were similar to the third and fouth counts and charging the prisoner with forging, uttering and publishing as true, and disposing of and putting away and getting out the power of attorney, with intention to defraud the said Frances Young.

There were several other counts charging the prisoner with intent to defraud William Flower.

When the abstract of the first indictment had been made the deputy-clerk of arraigns addressed the prisoner—

Deputy-Clerk of Arraigns—Henry Fauntleroy—how say you—are you guilty or not guilty of the said felony?

Prisoner (in a faint voice)—Not guilty.

Deputy-Clerk of Arraigns—How will you be tried?

Prisoner (still in the same low tone of voice and prompted by the Governor of Newgate)—By God and my country.

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[1] A Mr. Skelton was clerk of arraigns in 1824, and a Mr. Keech was his deputy. Guildhall Record Office.

The prisoner was then successively arraigned on the following six indictments:—

The second that he, on 3rd June, in the fifty-fifth year of the late King, in the parish of St. Mary-la-bonne, did falsely forge and counterfeit and cause to be falsely forged and counterfeited a certain transfer, purporting to be that of Frances Young for £5000 of her annuities with intent to defraud her. The forging and fraud were also laid as in the first indictment, as with intent to defraud the governor and company of the Bank of England. There were counts also for the wilful uttering and disposing of the same, with a variation of the reasons alleged to be defrauded.

The third indictment was for forging a letter of attorney to sell £6000 stock, committed on 16th December, 1820, purporting to be a deed signed and sealed by Thomas Lister, Esq., of Wexford, Ireland, the intent being to defraud the Bank of England, then Thomas Lister and Henry Lee, each and all of them, and uttering the same.

The fourth indictment was for forging a similar deed for the transfer of £3000 stock with intent to defraud the Bank of England, Thomas Lister, and Jacob Clements, each and all of them, on 16th December in the sixtieth year of the late King's reign, and also for uttering the same.

The fifth indictment was for forging, on 30th June, 1824, a similar deed for the transfer of £484 with intent to defraud the Bank of England, John Griffiths, and Gilbert Carrington, each and all of them.

The sixth indictment was for forging on the same deed and on the same parties, a letter of attorney for the transfer of £500 stock.

The seventh indictment was for forging and uttering on 2nd November, 1823, a power of attorney, a deed bearing the names of Henry Fauntleroy, John Dacon Hume, and John Goodchild annexed, charging the intent in different counts with intent to defraud the Bank of England, John Dacon Hume, and John Goodchild, Jacob Downes, R. Hankey, and W. R. Hankey of the sum of £5300 stock.

The reading of the indictments[1] occupied twenty-five minutes.

[1] The wording of the seven indictments and the counts differs somewhat in the various newspaper reports and the Old Bailey Sessions Papers.

To each of these seven indictments the prisoner, in the same subdued tone of voice and without raising his eyes from the bar, pleaded not guilty, and put himself for trial "upon God and his country."

After the fourth indictment had been read out to the prisoner, Mr. GURNEY rose and applied to the Court for permission to have the prisoner accommodated with a chair at the bar.

Mr. JUSTICE PARK—The application is, of course, made on the ground of the prisoner's indisposition.

Mr. GURNEY—Certainly, my lord.

Mr. JUSTICE PARK—Oh, then, let him have a chair.

A chair was immediately handed to the prisoner, who sat upon it at the right-hand corner of the dock, leaning his head upon his hand, and covering the greater part of his face with a white handkerchief, his whole demeanour being at that time that of a person labouring under deep despondency.

After the pleas had been recorded, Mr. JUSTICE PARK informed the Middlesex jury, who sat in the box, that they must remove and make way for the London jury.

Mr. JUSTICE PARK then intimated to the Sheriffs,[1] that it would be requisite to have two full London juries in Court, as from the number of indictments, the prisoner might be tried upon more than one of them. He had also his right to make his challenges; and it was therefore necessary to have a full complement of jurymen in Court. Besides, it might not be right that the same jury should try him upon all the indictments. Some inquiry was then made as to the time during which it might be necessary for the jurors to remain in waiting.

The FOREMAN OF THE MIDDLESEX JURY—What is the probable time, my lord, that it may be necessary for us to remain?

Mr. JUSTICE PARK—I cannot pretend to say. I do not know whether a second jury may be wanted or not. I do not know how many of these indictments will be tried, or

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[1] Sir John Key, Bart. (1794-1858). Dic. Nat. Biog.
Anthony Brown (died 15th May, 1853).

what time any one of them may take up. I know nothing of these cases, save what I have heard from the gentlemen at the table, and what I have learned from the dispositions which have been sent to me as judge, and which I have, of course, perused. I merely throw out the hint that a second jury may be necessary, without saying at all whether it is probable or not that their attendance will be required.

The Middlesex jury then retired from the box to make way for the London jury.

The Deputy-Clerk of Arraigns again addressed the prisoner—Henry Fauntleroy, these good men, whose names you will hear called over and who do appear, are to pass between our Sovereign Lord the King, and you, life and judgment. You can challenge any of them, and if you do challenge, you will do so, therefore, when they come to the book to be sworn, and before they are sworn, as you are empowered.

The following jurors were then empanelled without challenge, and the prisoner committed to their charge upon the first indictment,[1] for forging and uttering the transfer for the £5000 3 per cent. Consolidated Annuities from the account of Frances Young. The prisoner seemed to pay little attention to the persons who were to form his jury.

The names of the jury were as follows:—

Thomas Keeley (foreman).
John Mowatt.
Thomas Reeve.
Edward Joyce.
Job Elliot.
Job Horton.
John Proctor.
Abraham Agar.
Thomas Clarke.
Thomas Jones.
William Whitchurch.

The Deputy-Clerk of Arraigns then read the first indictment. It charged the prisoner with forging and with uttering

[1] In some reports this is given as the second indictment.

and publishing as true, and with disposing of and putting away, a power of attorney for the transfer and sale of £5000 3 per cent. Consolidated Annuities from the account of Miss Frances Young. The first count charged the prisoner with forging a certain deed, the tenor of which was set out, with intent to defraud the governor and company of the Bank of England. The second count charged the prisoner with uttering and publishing as true the said deed, with the like intention. The third charged the prisoner with disposing of and putting away the said deed with the like intention. The fourth, fifth, and sixth counts were similar in form, charging the prisoner with forging, uttering, and publishing as true, and disposing of and putting away a deed, setting out the power of attorney, with intention to defraud the said Frances Young. The seventh, eighth, and ninth counts were similar in form, only charging the felony to have been committed by the prisoner with intention to defraud one William Flower. The tenth count charged the prisoner with forging a certain letter of attorney to sell, assign, and transfer all or any part of £5000, being part of the interest or share of one Frances Young, of Chichester, spinster, or and in certain transferable annuities established by certain Acts of Parliament therein recited. The eleventh count charged the prisoner with demanding and endeavouring to transfer the stock of Miss Young under the power. On concluding it, the deputy-clerk of arraigns told the jury that the prisoner had pleaded "not guilty," and that they were empanelled to inquire whether he was so or not.

Mr. Law opened the pleadings.

Opening Speech for the Prosecution.

The Attorney-General stated the case to the jury. The prisoner at the bar was charged, as they had heard from the indictment, with feloniously forging a power of attorney for the sale of certain stock standing in the books of the Bank of England in the name of Frances Young, and also with uttering it, knowing it to be forged. It was his duty to state to them, according to his instructions, the circumstances out of which his prosecution had originated, and

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afterwards to lay before them the evidence which he had to advance in support of that charge. The jury would feel that in the discharge of the painful duty which had that day devolved upon him, he was bound to confine himself strictly and implicitly to a statement of the facts. In a criminal charge, and especially in a criminal charge which involved the life of the party accused, and in which his counsel by the rules of English law had no right to address them on his behalf, they would feel that if he were to make any observations calculated to excite in their minds improper resentment or prejudice—if he were to exaggerate or aggravate the facts on which the charge rested—he would be acting a part that would not only be unbecoming, but that would also be highly reprehensible and improper. He should, therefore, confine himself to the facts which he had to offer to their consideration in support of the charge on which they were empanelled to decide. Having made the preliminary observations on the manner in which he was bound, according to his judgment, to perform his duty, it could scarcely be necessary for him to put them on their guard against the influence of any circumstances which they might have either heard or read of to the advantage of the prisoner previously to their entry into Court. The prisoner was entitled to their judgment and decision, not on any information, or suspicion, or surmise, or impressions created in their minds out of Court, but upon the evidence, as it should appear that day upon oath to them, at the bar; and, therefore, if they had formed any opinions unfavourable to the prisoner, he would exhort them to dismiss them from their recollection, and to direct their attention to the evidence which would be that day adduced, and to that evidence alone he begged leave also to remind them that although they must have heard from what had that day passed in Court, that there were other charges against the prisoner, he had a right to be tried on the charge then before them as if it were an insulated one, and without reference to any other. He had a right to their judgment, as if it were the only case against him; he had a right to their judgment, as if no surmise or suspicion against him had ever come to their knowledge. He knew that these observations were almost superfluous as addressed to gentlemen like them, who

only desired the impartial administration of justice; but he trusted that they would not think that he had gone out of his way in making them, previously to entering upon the statement which he was then going to submit to their most serious consideration.

The prisoner at the bar was, as they had perhaps heard, a partner in the house of Messrs. Marsh, Stracey[1] & Co., who carried on the business of bankers in Berners Street. The house had been established thirty years ago, and the father of the prisoner was taken into it as a partner on its original formation. He was taken in as partner, because the other partners in the firm were unacquainted with the banking business, and because he was well acquainted with all its details, having acted in another banking house as the directing and confidential clerk. In the year 1807, Mr. Fauntleroy,[2] the father, died, and his situation was immedately occupied by his son, the prisoner at the bar. From that time almost the whole business of the house devolved upon him, owing to his great experience in business, his practical knowledge of its details, and his comparative superiority in those respects over the rest of his partners, who were almost totally unacquainted with commercial transactions.

In the year 1815, a lady of the name of Frances Young, residing at Chichester, was a customer of the house. She had an account with them, and had at that time £5450 in the 3 per cent. Consolidated Annuities. The house had a power of attorney from her to receive the dividends upon her stock, but had no power to transfer or sell the principal of it. In May, 1815, an application was made at the Bank of England, and was represented to be made on behalf of this lady, to sell £5000 of this stock by her power of attorney. Perhaps the gentlemen of the jury were not aware of the manner in which such applications were made, and he would therefore say a few words in explanation of it. The party making the application attends at the bank. He is there furnished at a particular office with a slip of paper, on which he writes his own name and address, the name and description of the stockholder, as

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[1] Sir Josias Henry Stracey, 4th Bart. (1771-1855).

[2] William Fauntleroy, banker (1749-1807), said to have been a clerk in Barclay's Bank.

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given in the bank books, the names and descriptions of the attorneys, and the purpose for which the power is required, either for dividends, or for sale or for transfer. The applicant, after filling up this slip, hands it to the clerk, who prepares the power from it. The clerk delivers the power to the applicant either the same or the following day. The slip is, however, kept and preserved for a certain period of time. They must now recollect that it was nine years since the slip in this transaction had been presented. In the course of that time a considerable accumulation of slips had taken place, and, as they were not thought of much importance, had been destroyed. Amongst the slips so destroyed was the slip on which this power had been prepared. There was, therefore, no means of showing either that the prisoner had presented it, or that it was in his handwriting. The power of attorney, however, had been returned to the bank, to all appearance regularly executed, and attested by two witnesses. It purported to be signed and executed by Frances Young, but her signature was a forgery, as she had never made any such instrument. Her signature was attested by two witnesses, John Watson and James Tyson, clerks to Messrs. Marsh & Co. Those attestations were also forgeries. Neither of these individuals ever saw any such instrument executed, and at that time had never seen any such person as Frances Young. He must now inform them that, when an instrument of this nature was executed, it was necessary to fill up the printed forms with certain words written at length. Now, in this case the date was filled up in the handwriting of the prisoner. It was necessary to insert the description and address of the witnesses who attested the execution of it. They were described as "clerks to Marsh, Sibbald & Co., bankers, Berners Street," and those words also were in the handwriting of the prisoner. That he was, therefore, a party to the forgery, appeared quite clear; he must have known the writing of the clerks employed in his house, and seeing their names subscribed to such an instrument, must have instantly detected the forgery, if he were not a party to it. He would now say a word or two upon the course of proceeding adopted in acting upon a power of attorney, after it obtained. It is lodged at the bank and is left

there twenty-four hours to be passed. This measure was required in order to give the bank clerks an opportunity of examining the stock described in the power with the account of the stockholder in the books of the bank, of ascertaining whether the power is regularly executed, and of inquiring into the genuineness of the instrument, by comparing the handwriting with the other signatures of the person, if any such exist in the books of the bank. After twenty-four hours have elapsed, if the transfer is to be made, the party named in the power of attorney must attend to make it. It is required that he should write on the back of it, "I demand to act by this letter of attorney." He must then date it, and sign his name to it, and that too in the presence of one of the clerks of the bank, who attests the signature.

Now this power of attorney was lodged at the bank on the 31st May. On the 1st June, the prisoner at the bar attended at the Bank of England in person, and demanded in due form to act upon it. He signed his name to it in the presence of one of the clerks of the bank called Browning;[1] so that in this case they would have before them the power of attorney filled up by himself, purporting to be executed by Frances Young, purporting also to be attested by two clerks in his own house with whose handwriting he must have been acquainted, produced by him in person at the bank, on which he demanded to act at the bank, and to which he finally subscribed his name, in the presence of one of the clerks of the establishment. This was only part of the case which he had to lay before them: but even supposing that it rested here, it was pregnant with the most powerful and conclusive evidence against the prisoner. There was, however, a document, of a character so extraordinary, so perfectly unparalleled, so singularly complete in all its parts, and so conclusive in its effects, as to leave not the shadow of a doubt as to the part taken in this transaction by the prisoner at the bar. At the time the prisoner was apprehended—and he was apprehended in his own counting-house—he locked his private desk with a key that was attached to his watch. That key was afterwards taken from him at the police office by the officer who appre-

[1] Robert Browning (1781-1866), father of the poet.

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hended him. The officer gave it to the respectable solicitor for the bank, who went to the banking-house in Berners Street to search among the prisoner's papers, in order to ascertain from them, if possible, the part which he had taken in this forgery. In one of the rooms of the house behind the counting-house is a parlour, reserved for the use of the partners of the bank, and those persons with whom they had to converse on business. In that room, which contained several tin cases for the reception of title deeds, with the name of their owners written upon them, Mr. Freshfield saw one tin case without a name. That very circumstance led him to examine that tin case. The key which had been taken from the prisoner opened his private desk. In that desk was found another key, which opened the tin case. On the case being opened, many papers belonging to the prisoner were discovered in it; among others, the extraordinary document of which he had just spoken, and which he should now proceed to read to them—

Delaplace, - - -	£11,140	6	4	Consols.
E. W. Young, - -	5,000	0	0	Consols.
General Young, - -	6,000	0	0	Consols.
Frances Young, - -	5,000	0	0	Consols.
Jedediah Kerie,[1] -	6,000	0	0	Consols.
Lady Nelson,[2] - -	11,595	0	0	Consols.
Mrs. Pelham, - -	20,000	0	0	4 per cents.
Earl of Ossory, - -	7,000	0	0	4 per cents.
J. Bower, - - -	9,500	0	0	4 per cents.
J. W. Parkins, - -	4,000	0	0	Consols.
Lord Aboyne, - -	61,550	0	0	4 per cents.
Elizabeth Fauntleroy,[3]	3,550	0	0	5 per cents.
W. Reader, H. Fauntleroy, -	7,000	0	0	
Peter Moore and John Marsh, -	21,000	0	0	3 per cents.

[1] Hon. Jedediah Kerie (1761-1846), the prisoner's uncle. *Gentleman's Mag.* (1846), I., 103.

[2] Lady Nelson, *née* Woolward (died 4th May, 1831), was a friend of the Young and Malcolm families, hence, perhaps, her original connection with the bank.

[3] Elizabeth Fauntleroy, *née* Kerie (1758-1826), the prisoner's mother. She was the daughter of Ravel Kerie of the island of St. Christopher, and was married to William Fauntleroy at St. Mary's, Whitechapel, on 17th June, 1780. *Gentleman's Mag.* (1826), I., 380.

making a total of upwards of £170,000. The whole of this paper was in the handwriting of the prisoner, as were also the words which he should next read to them—

> In order to keep up the credit of our house, I have forged powers of attorney and have sold out all the above sums, without the knowledge of any one of my partners. I have given the different accounts credit for the dividends as they became due, but have never posted them. H. FAUNTLEROY,
>
> Berners Street, 7th May, 1816.

> The Bank began first to refuse our acceptances, and thereby began to destroy our credit. They shall smart for it.
>
> H. F.

A more extraordinary document to be discovered under such circumstances never existed. Was there ever a record of fraud more intelligible, and more negligently guarded? There could be no doubt, he thought, that in May, 1816, when this singular paper was written by the prisoner, it was written for some immediate purpose. It might be at that particular period he had some intention to abscond, and was at the same time desirous of acquitting his partners of all participation in the frauds which he had committed. But that intention, whatever it was, passed away, and he left the document, which he had prepared in contemplation of it—a document which was so singular in itself, and so fatally conclusive in its character—with the most unaccountable negligence among his own papers. It might appear to them almost idle, after the production of such a document, to proceed further with evidence.

It was, however, his duty to trace this forgery from its commencement to its conclusion, because he was anxious to show them, not only that it had been committed in the month of June, 1815, but that the money which it had produced had found its way at that time into the funds of the banking house, and had been transferred from them to the private accounts of the prisoner. The person who was employed by the prisoner to sell this stock was a broker, of the name of Spurling.[1] The stock was sold on 1st June, for £2956

[1] John Henry Spurling (died 12th January, 1858, aged 72, at Peckham), member of the Stock Exchange, 1810-58. *Gentleman's Mag.* (1858), I., 230; Stock Exchange Records.

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5s. From this sum the commission was to be deducted. Now, the broker's commission on that sum was £6 5s., which rendered the net proceeds of the sale £2950. Therefore, giving credit to the prisoner for one-half of the broker's commission, as was usually done in transactions between brokers and bankers when acting for their customers, the whole sum which the prisoner would have to receive on this transfer would be £2953 2s. 6d. That sum Mr. Spurling paid by a check into the hands of Messrs. Martin & Co., a banking house in the city, with whom Messrs. Marsh & Co. kept an account, as it is usual with bankers at the west end of the town to do with some house in the city. That money, he would show them, found its way from the hands of Messrs. Martin & Co. into those of Messrs. Marsh & Co. In the day-book of Messrs. Marsh & Co. there was, under the date 1st June, 1815, the precise entry, "H.F. £2953 2s. 6d." entered, as he would prove, by a clerk at the dictation of the prisoner. From this day-book the sum was afterwards posted into a ledger, kept by the partners for their own private concerns, by the prisoner to his own private account, after an erasure had been made of the sum formerly posted in it.

From this chain of proof they would see that the produce of this forged letter of attorney was ultimately entered by the prisoner to his own private credit in the ledger, kept by the partners as a check upon each other. The jury might perhaps ask, as this forgery occurred so far back as the year 1815, how it happened that during the successive years that have intervened since that time the receipt of the dividends could be so managed by the prisoner as to escape altogether the detection of his partners? The fact was so. He (the Attorney-General) was not called on to explain it; he would merely call upon them to remember that he had already told them that the business of the house was almost exclusively managed by the prisoner. Indeed, he had the entire management for the firm of all the stock market business. He would now inform them that, at the period when the dividends became due, it is the custom for all bankers to send down to the bank lists of the dividends they have to receive on each stock; for instance, Consols, and new 4 per cents.; and these lists are checked by the clerks at the

bank, who enter on the margin of the lists the number of the dividend warrants. If any error should appear in the list, it is noticed by the clerk, and when the list is corrected, one of the partners attends two days before the dividends are receivable by the public, signs the receipts, and takes away the warrants. Now, he would show that these lists were very regularly prepared by the prisoner at the bar, and that they were always so prepared as to make them correspond with the amount of stock allowed by the prisoner to remain in the Bank of England. For instance, Miss Young's stock was originally £5450, out of which £5000 had been sold by means of the forged letter of attorney. £450 was, therefore, the principal sum on which the dividends were afterwards paid. He would show them that in the latter part of the year 1815 the list was made out for that sum in the handwriting of the prisoner.

In May, 1823, Miss Young purchased an additional £100 of stock; and he would show that in the list of 1824 the entry at her name was for £550. The partner who went to the bank to receive the dividend warrants belonging to the customers of the firm of Messrs. Marsh & Co. was Mr. Marsh. Nothing could be more convenient to the designs of the prisoner at the bar than this arrangement. Mr. Marsh lived out of town, came to it but once a quarter, was entirely ignorant of banking transactions, and, therefore, incapable of detecting these frauds. On his going to the bank to receive the dividends when they became payable, he received dividends on Miss Frances Young's stock, first as for £450, latterly as for £550. These dividends he delivered to the prisoner at the bar, and then his duties at the bank were discharged. The entry was then made by the prisoner in the day-book of the dividends to which the parties were entitled. The entry was not the actual amount of the sum paid on the dividend warrants, but of the sum which would have been payable to the customers supposing that no fraud had existed. The entry was made in this manner by the prisoner to avoid, as much as possible, all chance of detection of the frauds he had committed. There was yet another circumstance which he must mention to them before he brought his statement to a conclusion; and that circumstance related to the note of the broker on the sale of

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the stock. This sale-note had been traced to the banking house in Berners Street. If the transaction had been fair, the sale-note would have been kept by them on a file, and a copy of it would have been sent to the party who had sold the stock. That note, however, had not been transmitted to the house; it was not found upon the file, nor had a copy of it been sent to Miss Young: it was, however, found in the private tin box of the prisoner at the bar, and in company with the extraordinary document which had already been read to them.

These (continued the Attorney-General) are the leading facts of this case. I prove the forgery by producing the instrument, and by calling Frances Young, and the two attesting witnesses—of whom the first will tell you that she never either made or signed such an instrument, and the latter that they never saw her write at all, much less put her signature to any instrument; I prove the handwriting of the prisoner at the bar, in filling up the date of the instrument, and in giving the address and description of his clerks; I prove his handwriting also, on the back of it, in signing the demand; I produce the extraordinary document which I have read to you; I show it also to be in his handwriting, and bid you to reflect on the acknowledgment it contains of the forgeries he has committed; I prove that the power of attorney was in his hands before its execution—that he got the stock transferred under it—and that he received the money which it produced. I prove that he has gone on crediting to the parties, whose stock was transferred, dividends which were not and could not be received, and which the prisoner knew were not due, because he had himself sold out the stock on which they were to be paid. I prove him to have been acting in this manner every year since 1815, playing the part I have described to you with great activity and caution, in order to prevent the detection of the forgery, which must inevitably have been discovered if he had not been a party to it. Having stated these facts on behalf of the prosecution, I have now discharged my duty. It would ill become me to give an opinion of their effect. As counsel for the prosecution, I have unfolded them to you; you will hear the evidence that is to substantiate them with attention and care; you will discharge your duty, painful as it is, with intelligence

and firmness; and in doing so, you will, I have no doubt, administer impartial justice to the prisoner on the one side, and to the country and the public on the other.

Evidence for the Prosecution.

The learned counsel then called the following witnesses to substantiate his case:—

James Tyson, examined by Mr. Serjeant Bosanquet—I was a clerk to Messrs. Marsh, Sibbald & Co. at the time when Mr. Fauntleroy was apprehended. I have been a clerk in that house for the last seventeen years. In 1815, the partners in that house were Sir James Sibbald,[1] Bart., Wm. Marsh, Henry Fauntleroy, George Edward Graham,[2] and Josias Henry Stracey. The prisoner at the bar was taken into the house in 1807, the very year in which I became a clerk of the house. I always considered Mr. H. Fauntleroy as the active partner. He transacted the principal business of the house in general, but Mr. Stracey acted sometimes. Mr. Marsh lives in Kent. Sir James Sibbald died in 1819 or 1820. Mr. Graham had been a colonel in the Army. I know that a lady of the name of Frances Young was in 1815 a customer of the house.

[An instrument was here put into the hands of the witness, purporting to be executed by Frances Young, authorising Wm. Marsh, Sir Jos. Sibbald, Bart., Josias Henry Stracey, Henry Fauntleroy, and Geo. Edward Graham, jointly, and each of them separately, to sell, assign, and transfer £5000, part of the interest of the said Frances Young, in the 3 per cent. Consols.]

I see the name of James Tyson attached to it as a subscribing witness, and after the signature J. Tyson are the words "clerk to Messrs. Marsh, Sibbald & Co., bankers, Berners Street." It is not my handwriting. I swear that

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[1] Sir James Sibbald, 1st Bart., of Sillwood Park, Berkshire (died at Hammersmith, 17th September, 1819). *Gentleman's Mag.* (1819), II., 379; Burke's Peerage.

[2] George Edward Graham Foster Pigott (died at Abingdon Hall, Cambridgeshire, 5th November, 1831, lieut.-colonel, M.P. for Kinrosshire, 1826-30). *Gentleman's Mag.* (1831), II., 474.

James Tyson

I did not write it. I never saw Miss F. Young sign any such deed; I never saw her in my life that I know of until I saw her in the office at Marlborough Street after Mr. Fauntleroy's apprehension. I see a description of the witnesses. It is "clerks to Marsh, Sibbald & Co., bankers, Berners Street." That description, I think, is in Mr. Fauntleroy's handwriting. It is like his character. I believe it to be his writing. I have been in the habit of seeing him write weekly, daily, hourly; and having such knowledge of his handwriting, I say that I have no doubt that the words of the description are his writing.

Mr. Justice Park suggested to the learned serjeant the propriety of asking the witness whether there had ever been in Marsh & Co.'s house any other clerk of the same name as himself.

Mr. Serjeant Bosanquet accordingly put the question.

Examination continued—There was no other clerk of my name in the house that I know of. The words used in filling up the date in the power of attorney are "thirty-first May," "fifteen" written at length and not in figures. I believe those words to be in the handwriting of Mr. Fauntleroy, I see an endorsement on the back of the instrument. It is—"I demand to act by this letter of attorney this 1st day of June, 1815.—H. Fauntleroy." I have no doubt that the signature "H. Fauntleroy" is Mr. Fauntleroy's signature.

Cross-examined by Mr. Gurney—Mr. Fauntleroy had a house at Brighton. He had apartments in Berners Street, but I do not think he lived in them. He had no house in the city of London. I do not know that he had any cottage in Surrey.

John Watson, examined by Mr. Bolland—I was clerk to Messrs. Marsh & Co. at the time of their failure, and I had been their clerk for twenty-five years previously to it. I see the words "John Watson" in this instrument. There was never any clerk of the name of John Watson in the house of Messrs. Marsh & Co. except myself. The words, "John Watson," are not in my handwriting. In 1815 I did not know Miss Frances Young. I did not see her sign her name to this power of attorney, nor did I sign my name to it. I am acquainted with the handwriting of Henry Fauntleroy. I

see the day, "thirty-first May," at the bottom of the instrument. It is in Mr. Fauntleroy's handwriting. I see the words "clerk to Marsh & Co., bankers, Berners Street." I tell the Court that I know these words to be in Mr. Fauntleroy's handwriting. I see the demand on the back of the instrument, and the signature "H. Fauntleroy." That is also the writing of the prisoner. The words, "I demand the transfer of stock from Frances Young to William Flower, Gent., Stockbroker," are in the handwriting of Mr. Fauntleroy.

[The witness was not cross-examined.]

Robert Browning, jun.,[1] examined by Mr. Law—I am a clerk in the Bank of England, in the 3 per cent. Consols office. I have been for upwards of twenty-four years in that department. I am the subscribing witness to this instrument (looking at the power of attorney put into his hand). I remember the prisoner bringing the power of attorney to the bank, and I saw the signature, "H. Fauntleroy," written by the prisoner. I am sure I saw the prisoner sign it. I saw him write it in the sixth division of the Consols office.

By Mr. Justice Park—The sixth division. What does that mean?—That is a room in the bank in the city of London. The office business is divided into different departments. I have here with me the bank book in which transfers of Consols are entered. The demand to act on the power of attorney was signed on the day mentioned in it.

[The witness was here desired to refer to the bank ledger.]—On that day Miss Frances Young had, I see, £5450 3 per cent. Consolidated Annuities standing in her name.

[The witness was then desired to refer to the transfer book.]

By the Attorney-General—Before you look at the transfer book say if the amount of stock transferred entered in that book is signed by the person transferring it?—It was always signed by the person making the transfer.

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[1] Robert Browning, the younger (1781-1866), father of the poet. His father also was a principal clerk in the Bank of England. Dic. Nat. Biog. Supplement, I., 306.

Robert Browning, jun.

Now, sir, see if there is an entry in the book of the transfer of £5450 stock from Miss Young to William Flower,[1] stockbroker, on 1st June, 1815, and if it is signed, and by whom? —I find an entry of £5450 stock transferred from the name of Frances Young to William Flower, gent., stockbroker. I find the name of Henry Fauntleroy as attorney of Frances Young, spinster, of Chichester. The date, 1st June, and signature, "Henry Fauntleroy," are the proper handwriting of the prisoner, and were written by him in my presence. My name, as attesting witness, is written on the margin. The name of the broker also appears in the transfer, thus—"Wm. Flower, Stock Exchange."

By Mr. Alley—You swear you saw the prisoner write the demand and sign it?—Yes, I do.

Cross-examined by Mr. Gurney—I am sufficiently acquainted with Mr. Fauntleroy's handwriting to know when I see it. Besides, I saw him write his signature on that occasion.

[The counsel for the prosecution proposed to call evidence to show that the bank had replaced the stock of which Miss Young had been defrauded by the prisoner's forging the warrant of attorney; it being absolutely necessary to show that she had no interest in the prisoner's conviction before she would be allowed to prove that her signature to the warrant of attorney was a forgery.]

Robert Best,[2] examined by Mr. Serjeant Bosanquet—I am secretary to the Bank of England. I have brought with me the minute book of the Court of Directors. I have here a minute made on 21st October, 1824. There is an entry there, describing the proceedings of the Court on that day, and an order to the following effect:—"Ordered that £7000 3 per cent. Consols should be purchased and entered in the name of Miss Frances Young." There is a preamble to that order.

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[1] William Flower, member of Stock Exchange from 1806-1839 (died 20th May, 1839). *Gentleman's Mag.* (1839), I., 666; Stock Exchange Records.

[2] Robert Best (died 7th March, 1834, aged 87), *Gentleman's Mag.* (1834), I., 450.

What does it state?

Mr. GURNEY and Mr. BRODRICK objected to the question.

Mr. JUSTICE PARK was of opinion that the minute of the order was evidence, but not the preamble which led to it.

By Mr. GURNEY—Were you present when this resolution was agreed to?—I was not.

Mr. GURNEY contended that, as that was the case, this order was not evidence.

Mr. JUSTICE PARK observed that this order was contained in the books of the Bank of England, and those books had always been admitted as evidence ever since he had been in the profession.

Mr. GURNEY admitted that the books of the bank were evidence as to certain transactions; but contended that the resolutions of the bank directors, to which they agreed in their private parlour, and to which the public were in no respect parties, were not evidence, even though they were contained in the books of the bank.

The ATTORNEY-GENERAL said that he would not reply to the objection at present, as he could carry the evidence further.

Mr. JUSTICE PARK—I will let this evidence stand upon my notes at present, to see whether it is followed up. If it be not, I will then consider whether it ought or not to be submitted to the jury.

Examination continued—The minute of the 21st was afterwards confirmed by the Court in my presence. It was agreed to on 21st October, when I was not present. I read it to the Court on the 28th; it was then confirmed.

I understand you to say, sir, that on the 21st the minute of this order was read to the Court of Directors, and adopted, that it was afterwards entered in the minute book, and then confirmed on the 28th, being the next Court day—is that so?—Exactly so.

By Mr. JUSTICE PARK—You take down, I suppose, what passes in Court on a loose slip of paper; you afterwards reduce it to form and enter it into a book; it is then read to the Court at a subsequent meeting, and confirmed—is that so?—Just so, my lord.

Cross-examined by Mr. GURNEY—You have told us that the resolutions were come to on the 21st, in your absence;

Robert Best

I ask you, sir, by whom they were reduced into writing?—By Mr. Watson, of my office.

When?—I cannot say exactly; in general, they are reduced into form on the same day, or the day following.

Therefore, what you read to us just now was not the paper which was read to the Court of Directors on the 21st?—No. That minute was written by the governor of the bank. He handed it to me when I came into the room; and it was copied from that minute into the book.

Have you the original minute here?—I have not. I read the resolution it contained from this book, and after I had read it, it was confirmed by the Court.

Benjamin Cole,[1] examined by Mr. Law—I am stockbroker to the Bank of England. I was employed on 22nd October by the Bank of England to purchase £5000 3 per cent. Consols for them, and to transfer that stock to the name of Miss Frances Young. I accordingly made the purchase of such stock, and had it regularly transferred. The sum I paid for it was £4812 12s. 10d. [A paper was here put into the hands of the witness.] And I afterwards received this order from the bank for the payment of the money. It was signed by the governor of the bank. I received the money and paid for the stock. [Another paper produced.] That is the stock receipt. The papers shown to this witness were then put in and read.

Robert Browning was recalled, and examined to show that the stock so purchased by the last witness had been transferred to the name of Miss Frances Young, and so stood in the ledger of the bank. He produced the ledger in which the stock is entered.

Robert Best was recalled, and upon being shown a paper with a seal, said it was the seal of the Bank of England.

The Attorney-General here made an observation to the Court. He was informed that the jury did not see the ten-

[1] Benjamin Cole, jun., member of the Stock Exchange, 1804-1842 (died 24th February, 1843). *Gentleman's Mag.* (1842), I., 442; Stock Exchange Records.

dency of this evidence. He would, with the permission of his lordship, just observe to them——

Mr. Justice Park—Gentlemen of the jury, this evidence is rather addressed to me than to you. It is intended to show the competency of a witness whom the prosecutors design to call, and does not at present affect the merits of the case. To make Miss Young, whom it is intended to call, a competent witness, the prosecutors must show that she has no interest either in invalidating or affirming the genuineness of the power of attorney regarding which we are inquiring. The bank, I understand, have replaced her stock and released her from all claims they might have upon her, and this paper is produced to establish that point.

The Deputy-Clerk of Arraigns then read a paper under the great seal of the bank, of which the tendency was that Miss Young's stock had been replaced, and that the bank withdrew all claims they might have upon her for the replacement of it.

Robert Browning, recalled. From 1st June, 1815, to 22nd October, 1824, Miss Young had never had more than £550 attached to her name on the books of the bank. There is now in them in her name £5500 3 per cent. Consols. An additional entry of £5000 was made in October last.

The counsel for the prosecution now proposed to examine Miss Young.

Mr. Gurney objected to the competency of Miss F. Young as a witness. There was no evidence that she had received the dividends on her stock since 1815. If the power of attorney by which her stock had been sold out was a genuine instrument, she had no claim to them; if it were a forged instrument then she had a claim upon the bank for the dividends which had accrued since it was acted upon at the bank. She had, therefore, an interest in proving the power of attorney to be forged, because it would entitle her to dividends of considerable value. She was, therefore, an interested, and therefore an incompetent, witness.

The Attorney-General said he would obviate his learned friend's objection by proving Miss F. Young's signature to a deed releasing the bank from all claims which she might have upon them on account of these dividends.

James William Freshfield

James William Freshfield,[1] examined. A deed having been put into his hand, he said—"I saw this deed executed on 27th October, 1824, by Miss F. Young, of Chichester." A deed of release by Miss Young to the Bank of England of all claims she might have upon them for dividends on £5000 stock, &c., since the forgery in 1815, was then put in and read.

Mr. Justice Park—Call Miss F. Young.

Miss Frances Young, examined by the Attorney-General—I live at Chichester. I resided there in 1815. Marsh, Stracey & Co. were my bankers at that time. I had then 3 per cent. Consols to the amount of £5450. Marsh & Co. received the dividends on that stock for me. I purchased within a short time back £100 more. I received the dividends on £5450 regularly before I made that purchase, and I have received them regularly since on £5550. I never authorised Marsh & Co. to sell £5000 stock for me. I never executed that instrument (looking at the paper). The signature, Frances Young, is not my writing. I never authorised the prisoner, or any other person, to sell out £5000 for me. I was never in London either in May or June, 1815. I was all that time in Chichester.

This witness was not cross-examined.

James Tyson, recalled—Mr. Marsh generally received the bulk of the dividends at the bank, as he was the senior partner of the firm. Before the dividends were received, it is usual for bankers to make out a list of the sums they have to receive for their customers. That list was generally made out in our house by Mr. Fauntleroy. [A list was here put into the hands of the witness.] That is a list of the dividends to be received in July, 1824, upon the Consols. The endorsement on it, "3 per cent. Consols, July, 1824, Marsh, Stracey & Co.," is in the handwriting of the prisoner.

By Mr. Justice Park—I am positive that the endorsement is in the handwriting of prisoner.

By Mr. Serjeant Bosanquet—That paper contains a long

[1] James William Freshfield, solicitor (born 6th April, 1775, died 27th June, 1864).

list of names and sums opposite to them. The whole of it is in the handwriting of the prisoner. The list is alphabetical. The first column is in red; the red figures are made by the bank clerks. The two other columns, the one of the names, and the other of sums, are in the handwriting of Mr. Fauntleroy. I see the name of Frances Young in the list; £550 is placed opposite to her name, as the sum upon which the dividends are to be received when the dividend warrants had been received by Mr. Marsh at the Bank of England. He brought them home and gave them to Mr. Fauntleroy.

By the Attorney-General—You have the book in which the account of the dividends is kept?—Yes, I have.

By whom were the dividends of July, 1824, entered into that book?—The first twenty-four names are entered by Mr. Fauntleroy, the remainder by a clerk in the bank.

Is the name of Frances Young in one of the twenty-four entries?—The name stands twenty-third in the list.

Read the entry?—Frances Young, £5550 Consols. Dividend, £88 5s. 0d.

[The witness then produced various ledgers belonging to the house of Marsh & Co., and read entries in them, from which it appeared that from July, 1823, the dividends credited to this F. Young were on £5550, and that previously to that time they had been on £5450.]

Produce the book containing the account of dividends of 1815?—I have that book.

Refer to the July dividends in 1815?—I find an entry there F. Young, Consols £5450, dividend, £73 19s. 0d.

Produce the book containing the 1816 dividends?—I find an entry in January, 1816. There are names and sums. The first entries are in Mr. Fauntleroy's handwriting, the rest are written by the clerk. I do not find the name of F. Young in the names written by Mr. Fauntleroy. The name F. Young is written third in the list of names written by the clerk and the sum opposite to it is £5450.

[The witness then went through the different books, the cash books as well as the day books, showing that the lists of dividends had been regularly entered by Mr. Fauntleroy every quarter as they were paid, and that he must have been cognisant of the forgery by which the stock was transferred.]

James Tyson

Refer to the day book in which are entries on the 1st June, 1815?—I have the book and found several items.

Is there one entry there of the sum of £2953 2s. 6d.?—There is.

To whose credit is that sum placed?—To the credit of H. F., meaning Mr. Fauntleroy.

There is an entry of £2993 2s. 6d., is there not?—There is.

And between the two entries you have mentioned there is the sum of £40 invested, making, if added together, the sum of £2953 2s. 6d. into the sum of £2993 2s. 6d.?—There is.

Produce the private book of Marsh & Co., and refer to an item of the date of 6th June?—I find an entry in Mr. Graham's handwriting of £40 in the name of Ryan. The words, "June 6. Ryan, £40," are in the handwriting of Mr. Graham. There is an erasure in the next item on the same line. The items, 1st June, £2953 2s. 6d., and the £40 are in the handwriting of Mr. Fauntleroy, and also the items of £2993 2s. 6d. which is placed to Mr. Fauntleroy's account.

Cross-examined by Mr. Gurney—The whole of the sums placed there to the credit of the prisoner are large; they amount to £50,000. I do not know whether these sums did, or did not, find their way into the funds of the house. That rests with the partners themselves. I do not know that they were drawn out on Mr. Fauntleroy's own private account. Messrs. Martin & Co.[1] were our city bankers; they often received money and paid it over to us. It is impossible for me to say whether the money about which I am questioned was, or was not, paid into the banking house. Mr. Stracey could answer that question; a clerk cannot. It was usual to make entries in the books for large sums to the initials of the partners. They were placed sometimes to stock transactions, and sometimes to Exchequer transactions.

The ledger containing the entry of 1st June and 6th June, 1815, was here handed to the jury by desire of the learned judge.

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[1] Martin & Co., 68 Lombard Street, bankers.

Evidence for the Prosecution.

John Henry Spurling

JOHN HENRY SPURLING, examined—In June, 1815, I was clerk to Mr. Salomons,[1] who at that time was broker to Messrs. Marsh & Co. On 1st June, 1815, I sold for Miss Frances Young, by order of Messrs. Marsh, Sibbald, Stracey & Co., £5000 3 per cent. Consols, to William Flower. [A paper was shown to the witness.] That is my signature. The following paper was then put in and read:—

"London, 1st June, 1815.

"Sold for Miss Frances Young, per order of Messrs. Marsh, Sibbald, Stracey & Co., £5000 3 per cent. Consols for this day, to W. Flower, at 59½, - - £2956 5 0

Commission, - - - - 6 5 0

£2950 0 0

"J. H. Spurling,

"For Nathan Salomons, broker."

I paid the amount to Messrs. Martin & Co. by my draught to the account of Messrs. Marsh, Sibbald & Co. I delivered the sale-note to them.

[The draught mentioned by the last witness was here put in and read.]

SAMUEL PLANK,[2] examined—I am a police officer of Marlborough Street office. I apprehended the prisoner on 10th September at his banking house in Berners Street. There was a desk in the room where the prisoner was, which he locked after I went in. He knew I had come to apprehend him. The key with which he locked it I took from his watch at Marlborough Street. That is the key (looking at one produced). I delivered it to Mr. Freshfield. In consequence of a message I had received from him, I went with Mr. Freshfield afterwards to the banking house, and searched the desk with Mr. Freshfield. There was a private drawer in the desk, and from it took some more keys. There were papers there, and they were brought away and marked by

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[1] Nathan Salomons, a member of the Stock Exchange, 1801-24.

[2] Samuel Plank, died 20th May, 1840, at Chapel Place, Oxford Street, aged 63. Police officer at Marlborough Street for nearly thirty years. *Gentleman's Mag.* (1840), I., 325-326. The *Gentleman's Mag.* says that £20,000 was offered to him if he would connive at Fauntleroy's escape.

me. The prisoner was examined that day. The keys found in the desk were kept in my possession till after the examination. On that day I went to the banking house after the examination. I found Mr. Freshfield there. Mr. Freshfield had two deed boxes in his possession when I got there. The name of Fauntleroy was upon one of them. I am not sure whether it was upon the other. I tried them with the keys I had taken from the desk. Those boxes were opened with those keys. After I had opened them, I locked them again, and delivered the keys to Mr. Freshfield. The boxes were afterwards taken away by Mr. Freshfield in a coach.

James William Freshfield, examined by the Attorney-General—I am solicitor to the Bank of England. I went to the house of Marsh & Co. with the officer the day the prisoner was apprehended; I made search there. I received a key from Plank, the officer; it opened the private desk of the prisoner; in the desk were found some other keys. After the examination, I returned to the banking house, and in a room at the back of the partners' room I saw several tin boxes. One of them had the name of Fauntleroy upon it. I therefore had no hesitation in taking possession of it. Upon it, or under it, I cannot say which, was another tin box without a name. I desired the officer to try that box, in order that I might not remove a box belonging to a third person, and not to the prisoner. He did so. Finding from the first paper which I inspected that it must belong to the prisoner, I locked it up and took possession of it. In the same night I went through the whole of the papers in the box which had the prisoner's name on it, and through half of the papers in the other. In the box with the name I principally found deeds, probates of wills, letters of administration, and other official documents. In the other box, I found a variety of memoranda, diaries, &c. Among the other documents there I found the sale note of the stock which had been produced. I marked it at the time with my initials, and the letters "N. N." to signify that it was found in the box with no name. I also found this paper [producing the extraordinary document read by the Attorney-General in his speech.] I marked it in the same manner as I marked the sale-note.

Evidence for the Prosecution.

James Tyson

James Tyson, recalled—Being desired to look at the "extraordinary document," he deposed that it was in the handwriting of the prisoner. He then continued. When there is a sale of stock for a customer of the house, the sold-note is usually put on the file; it is then copied by one of the partners into a book kept for the purpose. [Looking at a book produced.] This is the book I referred to. I have not made a search in it to discover whether the sold-note for this stock is inserted in it or not.

James Kirby, examined—I am a clerk in the house of Marsh & Co. I have searched the book presented to the last witness for the purpose of ascertaining whether any entry of the sold-note which has been this day produced was inserted in it or not. I cannot find any such entry. It is not in the book. In the usual and fair course of business such an entry would have been made.

James Watson, recalled—Looking at the "extraordinary document," he said—"It is in the handwriting of the prisoner at the bar.

[It was then put in and read.]

The power of attorney to sell the stock was then put in and read, as was also some other documentary evidence which had been substantiated in the course of the trial.

Case for the prosecution closed.

Speech of the Prisoner Fauntleroy.

Mr. Justice Park turned to the prisoner, and addressed him thus—Prisoner, the case on the part of the prosecution being closed, and your counsel having examined the witnesses, they not being allowed to make a speech for you, you may, if you wish, say anything you think proper to the jury or to me.

Mr. Fauntleroy then rose, and drawing a paper from his bosom, said, with a sorrowful and dejected air—"My lord, I will trouble you with a few words." Then, wiping away a tear which forced itself down his pallid cheek, he proceeded,

Mr Fauntleroy

in a very low, and sometimes hardly audible voice, to the following effect:—

My Lords and Gentlemen of the Jury,—Overwhelmed as I am by the situation in which I am placed, and being uninformed in the manner in which I should answer the charges which have been alleged against me, I will endeavour to explain, as well as the poignancy of my feelings will enable me, the embarrassments of the banking house in which I have been for many years the active and only responsible partner, and which have alone led to the present investigation; and although I am aware I cannot expect to free myself from the obloquy brought upon me by my anxiety to preserve the credit and respectability of the firm, still I trust that an impartial narrative of the occurrences will obtain for me the commiseration of the well-disposed part of the community.

Anticipating that the Court will extend its indulgence to me, I will respectfully submit such observations as I think will tend to remove from influenced minds those impressions which, with sorrow I say, must have been made upon them by the cruel and illiberal manner in which the public prints have untruly detailed a history of my life and conduct, hoping therefrom I may deserve your compassion. Although I may be unable to justify my proceedings, and secure my liberation by a verdict of the jury, yet they may be considered in the mercy of the Court, and a discerning public, as some extenuation of the crimes with which I stand arraigned.

With this object, it is necessary that I should first state, shortly, the circumstances under which I have been placed during my connection with Marsh & Co.

My father[1] established the banking house in 1792, in conjunction with Mr. Marsh and other gentlemen.[2] Some of the partners retired in 1794, about which time a loss of £20,000 was sustained. Here commenced the difficulties of the house. In 1796, Mr. Stracey and another gentleman came into the firm with little or no augmentation of capital.

In 1800 I became a clerk in the house, and continued so six years, and, although during that time I received no salary,

[1] William Fauntleroy, born 25th November, 1749, died 22nd March, 1807.

[2] Messrs. De Vismes, Cuthbert, and Creed.

Caricature of Fauntleroy by Richard Dighton.

the firm was so well satisfied with my attention and zeal for the interest and welfare of the establishment that I was handsomely rewarded by them. In 1807 my father died; I then succeeded him; at this time I was only twenty-two years of age, and the whole weight of an extensive but needy banking establishment at once devolved upon me, and I found the concern deeply involved in advances to builders and others, which had rendered a system of discounting necessary, and which we were obliged to continue in consequence of the scarcity of money at that time, and the necessity of making further advances to those persons to secure the sums, which they stood indebted.

In this perplexed state the house continued till 1810, when its embarrassments wore greatly increased owing to the bankruptcies of Brickwood and others, which brought upon it a sudden demand for no less a sum than £170,000, the greater part being for the amount of bills which our house had accepted and discounted for these parties, since become bankrupts.

About 1814, 1815, and 1816, from the speculations of builders and brickmakers, &c., in which the house was engaged, it was called upon to provide funds to near £100,100 to avert the losses which would otherwise have visited it from those speculations.

In 1819 the most responsible of our partners died, and we were called upon to pay over the amount of his capital, although the substantial resources of the house were wholly inadequate to meet so large a payment.

During these numerous trying difficulties, the house was nearly without resources; and the whole burden of management falling upon me, I was driven to a state of distraction, in which I could meet with no relief from my partners; and almost broken-hearted, I sought resources where I could, and so long as they were provided, and the credit of the house supported, no inquiries were made, either as to the manner in which they were procured, or as to the sources from whence they were derived.

In the midst of these calamities, not unknown to Mr. Stracey, he quitted England, and continued in France on his own private business, for two years leaving me to struggle as well as I could with difficulties almost insurmountable.

Mr Fauntleroy

Having thus exposed all the necessities of the house, I declare that all the moneys temporarily raised by me were applied, not in one instance to my own separate purposes and expenses, but in every case they were immediately placed to the credit of the house in Berners Street, and applied to the payment of the pressing demands upon it. This fact does not rest on my assertion, as the transactions referred to are entered in the books now in the possession of the assignees, and to which I have had no access since my apprehension. These books, I understand, are now in Court, and will confirm the truth of my statement; and to whatever account all the sums may be entered, whether to that of stock, of Exchequer bills, or to my private account, the whole went to the general funds of the banking house.

I alone have been doomed to suffer the stigma of all the transactions; but, tortured as I have been, it now becomes an imperative duty to explain to you, gentlemen, and through you to the world at large, that the vile accusations heaped upon me, known to be utterly false by all those who are best acquainted with my private life and habits, have been so heaped upon me for the purpose of loading me with the whole of the obloquy of those transactions, from which, and from which alone, my partners were preserved from bankruptcy. I have been accused of crimes I never even contemplated, and acts of profligacy I never committed; and I appear at this bar with every prejudice against me, and almost prejudged. To suit the purposes of persons to whom I allude, I have been represented as a man of prodigal extravagance—prodigal, indeed, I must have been, had I expended those large sums which will hereafter be proved to have gone exclusively to support the credit of a tottering firm, the miseries of which were greatly accelerated by the draughts of two of its members, to the amount of near £100,000.

I maintained but two establishments, one at Brighton, where my mother and my sister resided in the season—the expenses of which, to me, exclusive of my wine, were within £400 per annum. One at Lambeth, where my two children lived, from its very nature private and inexpensive, to which I resorted for retirement after many a day passed in devising means to avert the embarrassments of the banking house.

Speech of the Prisoner Fauntleroy.

Mr Fauntleroy

The dwelling-house in Berners Street belonged solely to my mother, with the exception of a library and a single bedroom. This was the extent of my expenditure, so far as domestic expenditure is concerned. I am next accused of being an habitual gambler—an accusation, which, if true, might easily account for the diffusion of the property. I am indeed a member of two clubs, the Albion and the Stratford, but never in my life did I play in either, at cards, or dice, or any game of chance; this is well known to the gentlemen of these clubs; and my private friends with whom I more intimately associated can equally assert my freedom from all habit or disposition to play. It has been as cruelly asserted, I fraudulently invested money in the funds to answer the payment of annuities, amounting to £2200 settled upon females. I never did make any such investment; neither at home or abroad, in any funds whatever, have I any investment; nor is there one shilling secretly deposited by me in the hands of any human being. Equally ungenerous, and equally untrue it is, to charge me with having lent to loose and disorderly persons large sums, which never have, and never will be, repaid. I lent no sums, but to a very trifling amount, and those were to valued friends. I can, therefore, at this solemn moment, declare most fervently that I never had any advantage beyond that in which all my partners participated in any of the transactions which are now questioned. They, indeed, have considered themselves as partners only in the profits; and I am to be burdened with the whole of the opprobrium, that others may consider them as the victims of my extravagance. I make this statement, not with a view to criminate others, or to exculpate myself; but, borne down as I am by calamity, I will not consent to be held to the world as a cold-blooded and abandoned profligate, ruining all around me for the selfish gratification of vice and sensuality, and involving even my confiding partners in the general destruction.

Gentlemen, I have frailties and errors enough to account for. I have sufferings enough, past, present, and in prospect; and if my life was all that was required of me, I might endure in silence, though I will not endure the odium on my memory of having sinned to pamper delinquencies to which I never was addicted. Thus much has been extorted from me by the fabri-

cations which have been cruelly spread amongst the public—that very public from whom the arbiters of my fate were to be selected. Perhaps, however, I ought to thank the enemy who besieged the prison, with his slanders, that he did so while my life was spared to refute them, and that he waited not until the grave to which he would hurry me had closed at once on my answer, and my forgiveness. There is one subject more connected with these charges to which I am compelled to advert, and I do so with great reluctance; it has been added to the other charges made against me, lest the world should think there was any vice in which I was not an adept. I have been accused of acting treacherously towards the female who now bears my name, having refused to make reparation until threatened by her brother, and of having deserted her at a moment when she had the greatest claim on my protection. Delicacy forbids me entering into an explanation on this subject further than to declare that the conduct I adopted on that occasion was uninfluenced by the interference of any individual, and arose, as I then considered, and do still consider, from a laudable and honourable feeling on my part; and the lady's brother, so far from coming forward at the time alluded to, was on service in the West Indies. Could all the circumstances be exposed, I feel convinced that every liberal-minded man would applaud my determination; and I feel satisfaction in stating that the lady in question has always been, and still is, actuated by the best feelings towards me.

I have now only to apologise to the Court for having entered so much at length into the statement of my unfortunate case, and, in conclusion, I have to express my perfect confidence that it will receive every favourable consideration at your hands; and I fully rely that you, gentlemen of the jury, will give an impartial and merciful decision."

[The prisoner having concluded his address, sat down, evidently exhausted by the effort and overcome by his feelings. A glass of water was brought him, of which he took a little; and while the witnesses to his character were being examined, he leant his head on his hand, in which he still held his handkerchief in a manner to cover his face, as if unwilling to be seen by his former friends. At times, while they were giving their evidence, he appeared to weep.]

Witnesses to Character.

The following persons, all of the highest respectability, deposed to the prisoner's previous character as that of the strictest integrity. They were examined by Mr. Gurney:—

JOHN WILSON, Esq., had known Mr. Fauntleroy about sixteen years, during the whole of which time he maintained an unspotted character, and he always considered him a man of the strictest integrity.

Sir CHARLES FORBES[1] had known Mr. Fauntleroy twelve years, and always considered him an honourable, benevolent, and obliging gentleman; and an able, attentive, and upright man of business.

Mr. GRAY—I have known the prisoner fifteen years. I aways considered him as deserving of the highest esteem and respect. I cannot find terms sufficiently strong to express the satisfaction I have always felt in being upon terms of intimacy with him.

JAMES BURTON, Esq.—I have known Mr. Fauntleroy for twenty-seven years. I have always considered him as a just, honourable, fair, kind-hearted man.

DIVIE ROBERTSON, Esq.[2]—He had known prisoner eleven years, during which time he maintained as high a character as man could possess.

Mr. WADD[3] had been acquainted with Mr. Fauntleroy eleven years; his character was most excellent.

Mr. JAMES LINDSEY had known Mr. Fauntleroy ten or eleven years; he did not know a man who appeared to possess more kind or honourable feelings.

ANTHONY BROWN, Esq.,[4] had been acquainted with prisoner

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[1] Sir Charles Forbes, 1st Bart. (1773-1849), merchant and politician. Dic. Nat. Biog.

[2] Divie Robertson, died 14th May, 1850, aged 84, at 22 Bedford Square. He was a wine merchant of Cockspur Street, and took the name of Divie from the river that ran through his father's estate at Dingwall. A sister of his was the mother of W. E. Gladstone.

[3] William Wadd (1776-1829), surgeon. Dic. Nat. Biog.; *Gentleman's Mag.* (1529), II., 562.

[4] Anthony Brown was Sheriff in 1824 and Lord Mayor in 1826.

sixteen or seventeen years, and always entertained the highest opinion of his talents as a man of business, and the greatest confidence in his integrity as a man of honour.

Benjamin Wyatt, Esq.,[1] had known Mr. Fauntleroy twelve years; he was a most honourable, kind-hearted, and benevolent man.

William Montriou, Esq., had known Mr. Fauntleroy twelve years; he was a most benevolent man, and had the highest character for integrity.

John Montague, Esq., had been acquainted with Mr. Fauntleroy upwards of twelve years and never knew a more kind-hearted and humane man. His character was most excellent.

James Vernon, Esq.,[2] had known prisoner sixteen years; he always had the character of a very honourable man, and appeared to be a very kind one.

—— Ross, Esq.,[3] had known Mr. Fauntleroy fourteen years; he had the character of being strictly honourable and upright.

Mr. Church had known Mr. Fauntleroy twelve years, and had much dealing with him. He was always strictly honourable and upright in all his transactions with witness, and had universally the character of the strictest integrity and honour.

Mr. Yatman had known prisoner twelve years; he always possessed a character of the highest excellence.

Joseph Bushnan, Esq.,[4] had known Mr. Fauntleroy fifteen years, and always considered him a perfectly honest and honourable man.

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[1] Benjamin Dean Wyatt (1775-1850), architect. Dic. Nat. Biog.

[2] In the "Recollections of the Rev. John Richardson," II., 50, it is stated that James Vernon was one of Fauntleroy's bosom friends.

[3] Perhaps the Mr. Rouse, the manager of an Insurance office and Fauntleroy's intimate friend, mentioned in "Drafts on My Memory," by Lord William Pitt Lennox, II., 265.

[4] Joseph Bushnan (died 21st February, 1831), Comptroller of the Chamber of London. *Notes and Queries*, 2 S., IV., 335; *Gentleman's Mag.* (1831), I., 283.

Charge to the Jury.

Mr. Justice Park said that the prisoner was indicted for forging a power of attorney to procure the transfer of stock belonging to Miss Frances Young; and for uttering such power of attorney, knowing it to be forged. There were other counts in the indictment, charging the prisoner with an intent to defraud the Bank of England, Frances Young, and also a person of the name of William Flower, to whom the transfer was made. The counts relating to the forgery they might put out of their consideration, as there was no evidence of its having been committed in London; and they, sitting as a London jury, on the London jurisdiction, could not try a prisoner for any crime not committed in the city; but if they should think that the count which charged the prisoner with uttering the forged power of attorney at the Bank of England, which was in the city of London, knowing it to be forged, was substantiated by evidence, the finding him guilty on that count would be the same in its legal effect as if he were found guilty on all the counts of the indictment. The prisoner, in his address to the jury, had mentioned a subject which at all times gave him (Mr. Justice Park) great concern, and on which he would, at whatever peril, express his opinion as often as it occurred.

It was truly painful to those who were engaged in the administration of the justice of the country to be always hearing the parties accused reminding the juries which had to try them of the obloquy they had suffered in consequence of the misrepresentations of the public prints. If such misrepresentations had been propagated to the disadvantage of the prisoner, before his trial, it was a most cruel thing. It was calculated to produce a strong impression in the minds of the jury, to the prejudice of the person on whom they were to pass judgment, and it was, therefore, right in the prisoner to request them, as the counsel for the prosecution had done before him, to pay no attention to what they might have recently heard or read to his disadvantage, but to reserve their opinions till they had heard all the evidence which could be adduced both for and against the accusation, and to form their decision upon that evidence, and upon that evidence

Mr Justice Park

alone. He hoped, and was confident, the jury would pay no attention to anything they had ever heard respecting the prisoner's conduct before they took the book into their hands, by which they bound themselves, before God, to deliver a true verdict according to the evidence. No man could be fit for the administration of justice who allowed himself to be influenced by any reports he might have heard before a prisoner's trial. He would repeat to them what he had already said to another jury sitting in their place during the present session, that if a man were as wicked as he could be in all respects, it was a circumstance they ought not to regret; if the charge were not brought home to him, it would only be their duty to acquit him, though he were stained with every other crime which could disgrace humanity; for the law of England did not allow any man to be heard who merely came forward to speak to the bad character of another, but said that every culprit must stand or fall by the proof of the facts which were charged against him, and not by any reports which were circulated to his prejudice.

As the jury had now been warned upon this point, both by himself, by the Attorney-General, and the prisoner, he would pass from that topic, merely observing that he had allowed the prisoner to go into the details which he had offered to their consideration, because so many grievous charges had been brought against him. He thought that as the prisoner had been cruelly abused, he had a right to make the statement he had done in contradiction of those charges; but he must now proceed to tell them that that statement did not go at all to the point into which they were assembled to inquire. The only point which they had to decide was "Aye or no, did the prisoner know this power of attorney to be forged and utter it with intent to defraud the Bank of England, Frances Young, or William Flower, all or any of them?"—for if he defrauded any of them, in point of law it was immaterial which.

In deciding upon the charge of uttering a power of attorney, knowing it to be forged, there were but three points for their consideration. The first was this—were they satisfied that the instrument was forged or not? If it were not forged, the charge fell to the ground at once. If it were forged, then came the second point—did he utter it, aye or

no? Then, if it were forged, and he uttered it, came the third and most important question—did he know it to be a forgery? If they were satisfied that these three points—the forgery, the uttering, and the guilty knowledge—were all substantiated by the evidence, then there could be no doubt of the guilt of the prisoner, and they must return a verdict against him.

In the few observations which he had to make, he would call their attention to the evidence as it bore on each of these three points.

On the first point—was the instrument forged? By the law of England, a person whose name was forged to an instrument, in which they had an interest, could not be a witness to prove a forgery. It was a strange rule of law, but the Court was bound by it. Miss Young, whose name was forged to the power of attorney in question, under which her stock had been transferred, could not, therefore, be called to prove the forgery. But the Bank of England, to qualify her for being a witness, had replaced her stock at their expense, in which they had acted with great propriety. They had also given her a release from all claims which they might have on that account upon her; and she had, in return, given them a release from all claims which she might have on them for the dividends which had accrued upon her stock since the commission of this alleged forgery. She had thus ceased to have any interest in the question, whether the instrument was a forgery or not, and had consequently become a competent witness. She had proved that the name, "Frances Young," signed to the power of attorney produced, was not in her handwriting, and that she had never authorised any person to write it. This was in itself a strong point; but then came James Tyson and John Watson, clerks in the bank in which the prisoner was a partner, whose names were both signed to the instrument as witnesses of its execution by Miss Young, and proved that their names were not in their handwriting, and that they had never seen Miss Young in their lives till they saw her at the police office, after the prisoner's apprehension. This was as strong evidence that the instrument was a forgery as could be produced, and was pregnant with proof to satisfy every reasonable mind.

Mr Justice Park

The next point for their consideration was—did the prisoner utter the forged instrument? It was stated in evidence that, by the practice of the bank, the names and description of persons to whom powers of attorney for the transfer of stock are given must be stated to the bank, and that the person so appointed must go to the bank and demand to act under the power he has received. Now, if they believed the evidence of Browning, a most material point was established against the prisoner; for that witness swore—"My name is subscribed as a witness to this demand, having been made by Mr. Fauntleroy in person, and I saw him execute the instrument." In consequence of that demand, the transfer of the stock had been made by the bank upon a power of attorney presented by the prisoner, the bank supposing it to be a genuine instrument. If he had himself any doubts upon this part of the case, he should be glad to suggest them; but he really thought that the evidence proved beyond all possibility of doubt that the prisoner uttered the instrument, and uttered it in the city of London.

The third point was—did the prisoner at the time of uttering know that the instrument was a forgery? On this an observation arose on the face of the paper itself. First of all, it was not signed by Miss F. Young. In the next place, Tyson and Watson, whose names were subscribed to it as witnesses, swore that the names were not in their handwriting. Was he acquainted with that circumstance or not? Why, the instrument was filled up in his own hand, with the words—"Clerks to Marsh & Co., bankers, Berners Street." As he was acquainted with their handwriting, he must have known that their attestation was a forgery. She could not have come to the banking house whilst he was absent from it and have signed her name in the presence of these two young men; for they swore that they had never seen her till they had met her at Marlborough Street. The prisoner, however, had carried it to the clerk at the bank, and had acted upon it. The witness Tyson had gone into an account of the manner in which the dividends upon stock were brought home from the Bank of England, and how the entries in the books of the firm had been made to meet those dividends, and to prevent detection. It also had been proved that, although the transfer of this

stock took place in 1815, the prisoner, for the purpose of concealing the fact, continued to give Miss Young credit for its amount in lists of stock on which dividends were to be received by the bank in which he was a partner, and which lists he made out down to a short time before his apprehension. It had also been proved that there was an entry made in the books of the bank in which the prisoner was a partner, and in his handwriting, dated 1st June, 1815, in which he took credit for £2953, paid by him that day into their bank; and it was proved by the stockbroker, who had sold Miss Young's stock for the prisoner under the forged power of attorney, that the sale was made on 1st June, 1815, and that the produce which he paid over to the prisoner on that day was £2931, the very sum for which the prisoner had taken credit in his own books.

Mr. Gurney, the prisoner's counsel, had asked on this evidence, whether the money went to the credit of the prisoner's private account, or was to the general account of the firm? But that was a matter totally irrelevant, and nothing that the prisoner had said on that point could at all form a subject for their consideration. Their only inquiry was, whether the prisoner had used the means imputed to him for obtaining the money—not how he employed it. As far as regarded the present charge, it was no matter how he had expended it. If every sixpence of it had been applied to prop the falling credit of the house, it was nothing to them, neither did it bear at all upon the issue they had to decide, whether it had been consumed in habits of profligacy or not. He trusted, for the sake of the prisoner, that it had not been so consumed, but whether it had or it had not, it did not increase or diminish the crime for which he was called to answer at the bar.

It was natural for the prisoner to suggest to his counsel the question which had led to these observations, and for the prisoner himself to remark upon it; but it was his duty as a judge to tell them that, if they were led by any such considerations, they would be entering upon a province which did not of right belong to them. Hitherto he had been examining the probability of the prisoner's having uttered the power of attorney with a guilty knowledge, as that probability

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was to be inferred from the facts of the case; but after the next piece of evidence he was to mention, what man could lay his hand on his heart and say he was not convinced that the prisoner knew the power of attorney was forged at the time he uttered it? He only said this because the prisoner had said it of himself in the document which had been found among his private papers. That document was the most extraordinary document that had ever been produced, during all the long annals of crime, in a Court of justice. It was perfectly unparalleled; he had never in the whole course of his life either heard or read of so singular a paper. The existence of it in so unguarded a place was almost beyond comprehension; and yet the discovery and existence of it had been proved by evidence the most irreproachable. The learned judge here recapitulated the statement of Plank, the officer, and Mr. Freshfield, as to the manner in which they found the papers in the prisoner's box; and first read the paper called the sold-note of Miss Young's stock, which, it had been proved, if regularly sold, would have been filed and copied into the bank books, neither of which had been done.

His lordship then read the document in which the prisoner had stated his having sold the stock mentioned in it under powers of attorney, which he forged; and then said, is it possible for any man to say, after this evidence, that there can be a doubt on the third point, that at the time the prisoner uttered the power of attorney he knew it to be forged? Why, he had solemnly declared the fact under his own hand eight years ago. It was said that it was done to save the falling fortunes of the house; but, in reply to such an assertion, he was bound to say that no inducement on earth could have led any man of honourable mind to commit such wanton robbery—such gross peculation—such cruel frauds on women and children, as the prisoner confessed himself to have committed in this most singular paper. The frauds were of such an extent as even to be cruel on men of substance on which a part of them were committed; some of the powers forged were for sums so large that almost any man must be injured by the loss of them. He thought that, after what had that day been proved in Court, there could be no doubt that this forgery was committed with intent to defraud. The

intent was recorded under his hand, for the prisoner had written in the document to which he (Mr. Justice Park) had before alluded, "The bank shall smart for it." He might, indeed, wish to support the credit of his partners, but he (Mr. Justice Park) must again repeat that such a motive was most unjustifiable in law, in morals, in religion.

In an honest or Christian mind no inducement could come in competition with the misery such conduct must produce. There was one point in the prisoner's favour which he was glad of, and it might, perhaps, be some consolation to the prisoner's mind; a great number of respectable gentlemen—sixteen, he believed—with some of whom he was himself acquainted, had given him the highest character for integrity and honour, as far as they had known him. It was the misfortune of those cases that it was persons of high character who had the opportunity of committing such frauds; no others could do it. The jury had heard other indictments against the prisoner read, but they must put them out of consideration, as they were only to attend to the case on which they had heard evidence. If they were satisfied by the evidence they had heard that the crime imputed to the prisoner had been proved, it would be their duty to find him guilty, even although he had the character of an angel, just as it would be their duty to acquit him if the crime were not proved, even though he was a man of the most profligate habits. Character was only of use in doubtful cases. If, in this case, they entertained any doubt as to the prisoner's guilt, they would fling the weight of his character into the scale, and would acquit him; if, however, they entertained no doubt then, however they might lament—and every man of feeling must lament—to see a man of the prisoner's rank in life in the prisoner's situation—they must discharge their duty with firmness and consistency, and must return a verdict of guilty against him, if they had any regard for the due administration of impartial justice.

The jury then retired to deliberate on their verdict. During their absence, which lasted for twenty minutes, Mr. Fauntleroy resumed his seat, and appeared extremely affected. A

Verdict

sudden rush of the crowd at the door of the Court announced the return of the jury. The prisoner stood up to hear his awful sentence, whilst the clerk of arraigns called over the names of the jury.

The Clerk of Arraigns—How say you; are you agreed upon your verdict, is the prisoner at the bar guilty or not guilty?

Foreman of the Jury—Guilty of uttering the forged instrument, knowing it to be forged.

At this moment every eye was fixed on the unhappy prisoner, who remained for a moment quite motionless, apparently unconscious of everything around him; and then sank down into his chair. A short conference then took place between the bench and the counsel for the prosecution.

Mr. Justice Park—Henry Fauntleroy. [The prisoner, who, for some minutes had been quite absorbed in his meditations, started at the sound, and then, looking wildly at the bench, rose as if in expectation that sentence was to be pronounced upon him.] The learned Attorney-General does not feel it necessary, in discharge of his public duty, to proceed further with the indictments which have been preferred against you. It is no part of my painful duty to pronounce the awful sentence of the law, which must follow the verdict which has just been recorded, that unpleasing task will devolve on the learned recorder, at the termination of the Sessions. I should, however, desert my duty as a Christian magistrate if I did not implore you with all kindness to bethink yourself seriously of your latter end.

[A convulsive sob from the prisoner was distinctly audible through the Court at this point of the learned judge's address.]

According to the constitution of this country, the prerogative of mercy is vested in the Crown; with that I have nothing to do. I do not say that in your unhappy case the extension of mercy is impossible; but I am afraid that, after the many serious acts which, under your own handwriting, have been proved against you, involving so many persons in ruin, you would only deceive yourself by indulging in

any hope of mercy on this side of the grave. Do not, therefore, flatter yourself with expectations, which may, I had almost said must, be disappointed; but in the short time which in all probability is allotted to you here upon earth, turn your heart to the contemplation of your awful situation. Take the best steps in your power to make your peace with God, and use all your exertions to become acquainted with Him and His all-gracious mercy.

[The unfortunate gentleman was quite overpowered at the conclusion of this address. He appeared scarcely able to support himself; and, on his removal from the bar, we think he must have fallen to the ground had he not been supported by Mr. Wontner and one of his friends, who reconducted him to his prison.]

Second Day—Tuesday, 2nd November, 1824.

Motion in Arrest of Judgment.

At a few minutes before two o'clock Mr. Baron Garrow arrived and took his seat on the bench.

Mr. Alley stated to his lordship that he meant to move in arrest of judgment on the part of Henry Fauntleroy.

Mr. Baron Garrow directed the prisoner to be placed at the bar.

Mr. Fauntleroy was then brought in. He walked up to the bar with a quick, firm step, bowed to the bench, and then stood with his eyes fixed on the ground.

The Clerk of Arraigns, in the usual form, asked the prisoner what he had to say why he should not die according to law, having been convicted of felony.

Mr. Alley said he had to address the Court on the part of the prisoner. He felt that his lordship had been put to some trouble to attend there.

Mr. Baron Garrow requested that the learned counsel would not dwell for the twentieth part of a moment on that subject. His time was, and ought to be, devoted to the public service, especially upon the question whether the life of a fellow-man were to be sacrificed—that was not a suitable expression, he meant forfeited—or whether the ingenuity of the prisoner's counsel could interpose anything to stay the execution of the dreadful sentence of the law. In such a case, God forbid that any man, whatever trouble or inconvenience he might be put to—and he had been put to none—should hesitate for half a moment to attend to the call which had been made upon him.

Mr. Alley said that his object was merely to set himself right with the Court at the outset. He did not think it was necessary to have the record read. His lordship was, doubtless, aware that the conviction of the prisoner had taken

Mr Alley

place, not generally, but on the counts of the indictment charging him with having uttered a forged power of attorney for the sale of stock, knowing it to be forged at the time of uttering it. Had the conviction taken place on the indictment generally, which would have declared the prisoner to have been guilty of forging the instrument, he would not have had to trouble his lordship on the present occasion. There was an express Act of Parliament which made forging a power of attorney a capital offence. Up to the reign of George II. it was not made a capital offence to utter a forged deed. By the 8th of Geo. I., it was a capital offence to forge a bond or security for money, &c.; but the penalty did not extend to the act of uttering such an instrument. It was therefore clear that, under the Act of 8th of Geo. I., judgment of death could not be pronounced on a conviction for uttering an instrument knowing it to be forged. By a subsequent Act, the 4th of Geo. II., it was made (cap. 7) a capital offence to forge certain instruments therein enumerated, but of which a power of attorney was not one. The Act extended only to individual cases, but it was subsequently enacted that it should extend to offences committed against corporations. It was his object to contend that under neither of the two statutes which he had mentioned was it a capital offence to forge a power of attorney; for otherwise those whose duty it was to frame the laws of the country must, at a subsequent period, have been guilty of a great oversight, to say the least of it, when they specially enacted that it was a capital offence to forge such an instrument. Had the offence been capital under the two statutes to which he had referred, why should the Legislature have felt it necessary to pass an Act declaring offence? By the 57th of Geo. III. it was made a capital offence to forge a letter of attorney to obtain a seaman's wages, or to utter such a forged instrument, knowing it to be a counterfeit. That Act showed that it was not in the contemplation of the Legislature that to forge a power of attorney was a capital offence under the two statutes before-mentioned, for, if so, what was the use of the fresh enactment? The words employed in the Act of Geo. II. were "bills, bonds, notes, deeds, &c." The words "power of attorney" did not occur in it. He believed, also, that the Act upon which

Mr Alley

3 per cent. Consols were raised was passed subsequently to the Act of Geo. II. If that were so, it was impossible that the Legislature could have intended by that Act to have afforded protection to a species of property which did not exist. The instruments which the Legislature had in contemplation when it enacted the statute of Geo. II. were those which *per se* were valuable and convertible into cash. That was not the case with a power of attorney. A power of attorney was not valuable in itself, but acquired a value only in reference to something else. A bond was a deed of intrinsic value, because it was security for money; but a letter of attorney was not a security for money.

If the power of attorney was comprehended under the word "deed" in the statute of Geo. II., the subsequent statutes which were passed to declare the forging of a power of attorney a capital offence were, to say the least, unnecessary. These statutes were introduced under the authority of the law officers of the Crown, and it was not to be supposed that they would call on the Legislature to enact that to be a capital offence which had long before been declared to be so. Such a proceeding would be only a waste of public time and money. He knew of no case where such a question had occurred before. He was acquainted with many cases in which the bank had prosecuted, but prosecuted in a different way. His lordship knew, from the experience which he had acquired in conducting the prosecutions of the bank, that that body sometimes prosecuted parties for personating, sometimes for forging dividend warrants, sometimes for other things; but he did not recollect a case in that Court, and there was no one to be found in the books, to justify such a prosecution as the present. When he said that there had never been a case similar to the present he might perhaps except one on which a question arose, but not like that now at issue, which was decided some time ago, and had been reported by Mr. Bingham.

Mr. Brodrick was sure that the Court would require no apology from him for making a few observations in support of what had been so ably stated by his learned friend. He would first direct the attention of the Court to some of the counts of the indictment, and then state what the verdict of

the jury was. The indictment consisted of eleven counts, but it was unnecessary to consider more than the three first counts. The first count charged the prisoner with forging a deed, and set forth the power of attorney; the second, with uttering it, knowing it to be forged; the third, with disposing of it with intent to defraud the bank. The verdict of the jury was not that of guilty generally, but of uttering a forged deed, knowing it to be forged.

Mr. Baron Garrow—The verdict of the jury was, in popular language—"We have no evidence to charge the prisoner with the manual operation of forgery, and therefore we acquit him of that, and find him guilty on all the other parts of the indictment."

Mr. Brodrick had no objection to take the fact to be as his lordship stated it. The object of the present motion was not that there should be no judgment, but that there should not be judgment of death. The second and third counts of the indictment called the instrument a "deed." Those counts, therefore, must be taken to rest upon the 2nd Geo. II. c. 25, which enacts that "if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly act or assist in the false making, forging, or counterfeiting any deed, &c.," or shall utter any such deed, he shall be deemed guilty of felony. That was the effect of the Act of the 2nd Geo. II.; the 31st Geo. II. c. 22, sec. 78, merely extended the enactments of the former Act to the cases of corporations.

Mr. Baron Garrow—That took place in Harrington's case.

Mr. Brodrick—His lordship was right. The question then was whether the power of attorney, which was called a deed in the indictment, was a deed within the meaning of the Act of Geo. II. He thought he should be able to prove to demonstration that the Legislature had not so considered it. The first statute to which his learned friend had directed the attention of the Court was the 8th of Geo. I., which was the first of a series of statutes designed for the protection of the stock of public companies. That statute, however,

Mr Brodrick

confined the capital punishment to the forging of a power of attorney, and not to the uttering of one knowing it to be forged. That statute, therefore, was clearly not within the range of the present indictment. Besides, that statute applied to stock vested at the time it passed, and not to stock subsequently created. The statute of the 2nd Geo. II. was that upon which the indictment was framed. His argument, then, was that it was necessary to come to one of two inferences, either that the Legislature, in the statutes which it had passed subsequently to the 2nd Geo. II., had employed unnecessary words, or that in Parliamentary interpretation, a power of attorney was not included under the word "deed" in the 2nd Geo. II. If the bank could have prosecuted under the Act of the 2nd Geo. II., it was quite useless to use the words "power of attorney" in the 31st of Geo. II. Either it was necessary to suppose that the Legislature had committed an act of supererogation, or to come to a more rational conclusion, that Parliament did not consider that a warrant of attorney was comprehended under the word "deed," in the 2nd Geo. II. There might, he admitted, have been a conviction under the 37th of Geo. III. c. 122, which enacted, "That if any person should forge or counterfeit the names of any persons as witnesses to a power of attorney for the transfer of bank stock, he should be liable to transportation for seven years."

Mr. Baron Garrow—Not under the present indictment, which charged the forging of the writing of the principal.

Mr. Brodrick—It was given in evidence that the names of the witnesses were forged.

Mr. Baron Garrow—But with what view was it done?—It was given in evidence that the names of the witnesses were forged in order to assist the proof with respect to the forgery of the writing of the principal. Suppose that Miss Young had by some arts been prevailed upon to put her genuine signature to the instrument, but that the names of Messrs. Watson and Tyson, the witnesses, had been proved to be forged, could the prisoner have been convicted upon the present indictment? Certainly not. It would then have been necessary

to frame an indictment on the statute to which the learned counsel had alluded, and, on conviction, the prisoner would have been liable to transportation.

Mr. Brodrick said he would not trouble his lordship with any further observations on that point. The 57th of Geo. III. c. 127, sec. 4, to which his learned brother had referred, alluded to the forging and uttering, amongst other things, of power of attorney for obtaining seamen's wages. Why did the Legislature make use of the words "power of attorney?" They were evidently unnecessary, if a power of attorney was included by the word "deed" in the 2nd Geo. II. He again reverted to the proposition with which he had set out, namely, that it was either necessary to suppose that the Legislature had unnecessarily made use of the words, or that it did not contemplate that the 2nd Geo. II. comprehended powers of attorney, but only instruments which might be immediately converted into money. A power of attorney might, to be sure, be considered a deed, inasmuch as it was signed and sealed; but it was *per se* of no value whatever. It was a mere authority to another person to act. He felt that he had nothing further to offer to his lordship's attention. He trusted that he had made his argument understood, and left it to his lordship's consideration.

Mr. C. Phillips followed on the same side. He observed that after the hint which his lordship had thrown out respecting the signatures of witnesses, he would not say a word on that point, especially as his own opinion coincided with that which his lordship expressed.

Mr. Baron Garrow hoped that, unless the mind of the learned gentleman was perfectly satisfied, he would not abstain from making any remarks, in consequence of what had fallen from him. It was his habit to make such observations, for the purpose rather of eliciting argument from counsel than of suppressing it.

Mr. Phillips said he perfectly agreed in the opinion which the learned judge had expressed on the point in question. The learned gentleman then pursued the same line of argument

Mr Phillips

which had been marked out by the counsel who had preceded. In order to prove that the instruments to which 2nd Geo. II. applied were only instruments immediately convertible into money, the learned gentleman stated that the statute, after reciting the word "deed," ended by saying "or other securities for money."

Mr. Serjeant Bosanquet said that he intended to offer a few observations in answer to the arguments which had been brought forward by his honourable friends on the other side; but he did not imagine that it would be necessary for him to occupy the attention of the Court long. It had been said that the present prosecution differed from others which had been instituted against persons who had forged powers of attorney. He could only say that the prosecution followed exactly the same form which had always been pursued in similar cases since he had had the honour of assisting the bank. The prosecution had always been founded on the utterance of a forged deed. It was important that in the very last instance a similar prosecution, the case of Mr. Waite, which had been adverted to by his learned friend (Mr. Alley) as having been reported by Mr. Bingham, the indictment was framed in precisely the same way as the present, with the difference which he would state. In Waite's case the forgery had been committed at Bristol, but the utterance took place in London, and he was tried for that offence in that Court. It therefore was not necessary in Mr. Waite's indictment to introduce any counts charging the forging of the document. The indictment merely charged the uttering of the forged deed with intent to defraud the governor and company of the Bank of England and other parties who might be interested in the deed. His lordship well knew how much pains were taken, and how many objections were made by the prisoner's counsel, and what patient attention the case received from the learned judges; but, after all, the unfortunate person underwent the sentence of the law.

Mr. Baron Garrow remarked that one circumstance should not be forgotten respecting the case alluded to—namely, that

all the judges expressed their approbation of the very able manner in which it had been argued on both sides in the Exchequer Chamber.

Mr. Serjeant Bosanquet resumed. The uttering of the instrument in Mr. Fauntleroy's case was founded on the 2nd Geo. II., but the third count, namely, the disposing of the deed, was founded on the 45th Geo. III. The 2nd Geo. II. made it a capital offence to forge a deed, or publish as true a forged deed. It had been argued that a power of attorney was not a deed within the meaning of the Act. If a power of attorney was not a deed within the meaning of that Act now, it could not have been so at the time it was passed. But he should be glad to know whether, if a person had been indicted on the 2nd Geo. II. for uttering a forged power of attorney, it could have been contended that it was not a deed within the meaning of the Act, because in the 8th Geo. I an Act had passed which made it a capital offence to forge a power of attorney. The 8th Geo. I. contained no provision for the uttering of a forged instrument; and that omission was supplied by the 2nd Geo. II.[1] There was this fallacy, which ran through the whole of his learned friend's arguments from beginning to end—namely, that it had been supposed that a power of attorney must necessarily be a deed. A power of attorney might be given under hand, with or without a seal; and his lordship would recollect that, in the case which had been adverted to of the *King* v. *Waite*, the whole force of his learned friend Mr. Campbell's argument turned upon that distinction. Mr. Campbell contended that in that particular instance it was a power of attorney by deed, and that, therefore, it could only be revoked by deed. It had been contended that the 2nd Geo. II. extended to deeds convertible into money, and it was said that the words "securities for money" followed. Those words did not exist in the Act. The words which followed "deed" were "will, testament," and then the clause went on to promissory notes, &c. Would any one say that a will was a security for money? It was clear that the object of the

[1] Page 68, *supra*.

Mr Serjeant Bosanquet

statute was to conclude all instruments under seal delivered. That the power of attorney in the present case was an instrument of that description appeared from the indictment, where it was set out as sealed, signed, delivered, and attested by two witnesses. Could it have been contended at the time of the passing of the Act of Geo. II. that such an instrument was not within the meaning of that statute? The 45th Geo. III. made it a capital offence to dispose of, or put away, any forged deed, note, &c. It might not be improper here to mention a circumstance which occurred in the adjoining court not long after the passing of that Act. A person was indicted by a private prosecutor for uttering and publishing as true a forged bill of exchange. He did not remember the names of the parties, for he was not personally concerned in the case. The 45th Geo. III. contained the words "disposing of and putting away," but not those of uttering and publishing, as in the 2nd Geo. II. He suggested to his learned friend who was defending the prisoner, that the 45th Geo. III., which only enacted the "disposing of forged instruments to be capital, should be taken to supersede the 2nd Geo. II., and that the latter should be considered as no longer in force. His friend acted upon the suggestion, and made the objection. The question was argued before the judges, who declared their opinion that the 2nd Geo. II. was still in force, and that the effect of the 45th Geo. III. was not to diminish the security of the former Act, but, on the contrary, to extend the operation of the law to a greater variety of cases. He was not aware that it was necessary for him to offer any further remarks. He must repeat that the indictment which had been preferred against the unfortunate gentleman at the bar was precisely the same as that which was always preferred on charges of forging powers of attorney. The counts were in the usual form, without the slightest variation. He was at a loss to see how it could be contended that an instrument such as that set forth in the indictment, professing to be regularly signed, sealed, and delivered, and, moreover, containing in the last clause the covenant to make good all the acts done by the parties to the deed can be improperly considered as coming within the meaning of the 2nd Geo. II. He was reminded of a circum-

stance upon which he wished to make one observation. It had been said that the instrument set forth in the indictment referred to funds which had been created subsequently to the passing of the 2nd Geo. II. That objection could not apply to the third count, which was founded on the 45th Geo. III.; but the effect of the Act for consolidating the 3 per cents. was not to create a new stock, but merely to make new arrangements with respect to stock antecedently existing. The system which was thus newly arranged commenced, as was well known, in the reign of William III. It was worth remarking that, in the case of the *King* v. *Waite*, the forgery was committed with respect to the stock in question.

Mr. Law followed on the same side, and endeavoured, at some length, to support the arguments of his learned leader. He concluded by observing that if the statute of the 2nd Geo. II. did not apply to the present case he knew of no other that did.

Mr. Alley shortly replied to the observations of the counsel for the prosecution, and expressed his conviction that the observation with which his learned friend (Mr. Law) had concluded would have no weight with his lordship. The Court would be bound by the law of the case, without regard to the manner in which its decision might affect the prisoner.

Mr. Baron Garrow then proceeded to deliver his decision. The awful period had arrived when, according to the forms of the law, that unhappy person at the bar was called upon to declare whether he had anything to say why the Court should not pass judgment on him to die. The learned Recorder of the city of London, who by ancient usage and custom was the organ by which the sentence of the law was pronounced on the proper occasions, had unnecessarily—he must give him leave to say so when he considered his long experience and great learning—called upon him (Baron Garrow) and his learned brother, who presided at the trial of the prisoner at the bar, to be present on this occasion. He regretted that the short notice which had been given of the intended proceedings had rendered it impossible for his learned brother to attend and give the Court his valuable assistance. He,

Mr Baron Garrow

however, regretted that circumstance the less, inasmuch as he was not able to satisfy his mind that he could with propriety entertain the slightest doubt with respect to the question which had been raised. The law of England did not permit a judge to allow his feelings, even when favourable to the party under accusation, to influence his judgment; but, thank God, it did not forbid him to feel like other men; and if he entertained the opinion that the judgment of death ought not at the present moment to be pronounced according to the law upon the unfortunate gentleman at the bar, he should hasten to declare that opinion in order that, as far as his poor authority was concerned, the poignancy of his (the prisoner's) deep affliction might, at least for the moment, be alleviated. He owed it to his own feelings and to a consideration of the awful situation of the prisoner, not to state that he entertained doubts when he entertained none; by doing so he would only divert his (the prisoner's) mind from an object of infinitely greater importance than any which was passing in the Court, even although it concerned his own interest—an object to which the humane judge who tried him invited his attention, and it was to be hoped not without success. He regretted that the interval occupied in the present proceedings (not improperly, for it was the duty of the prisoner's legal advisers to catch at everything which might afford a chance of averting his sentence) should interrupt the course of thought which he hoped and believed the prisoner since his trial had indulged in. It was a great consolation to him in determining the present question to know that the prisoner's fate did not depend on his very fallible judgment, but that down to the very moment for sealing the warrant for carrying the sentence into execution, if any doubt should arise in the minds of the law officers of the Crown, they would be submitted to the united wisdom of all the judges of the country. He was at present only called upon to deliver his opinion with respect to the objection which had been raised, and he was bound to say that he entertained no doubts on the subject. The law required that on the face of the record the offence with which the prisoner was charged should, for the information of the present age as well as the latest posterity, be fully stated to justify the coming judgment. The

Mr Baron Garrow

indictment stated that the person about to receive judgment uttered, knowing it to be forged, a power of attorney purporting to be executed by Frances Young. This was stated to be in violation of the statute, which had provided the punishment of death for all who should utter any forged deed, knowing it to be forged. The forged instrument set forth in the indictment had all the formalities of a power of attorney. It was sealed, and purported to be attested by two witnesses; so that if it had been genuine it would have operated for the purposes for which it was intended. It had been said that the word "deed" contained in the statute was to be understood, not as applying universally, but as limited and circumscribed to instruments of a certain character of which the present forged document was not one. That argument had, in his opinion, been sufficiently answered at the bar. It had been remarked that the Court would not allow of its judgment to be influenced by the probability of a prisoner escaping unpunished. Judges were bound to administer the law as they found it. If the law would not reach the offender, he must go unpunished, and the powers of the law must be extended so as to bring future offenders within its reach. It was the duty of the Court to read the law as it was. He must look to the Act of Parliament—that was the text on which he was to comment—that was the rule by which his conduct was to be governed—the compass by which he would steer his course. He found, then, that the statute mentioned the word "deed" without any qualification. There was no exception in favour of a power of attorney. Not even in favour of life to a prisoner did he dare to write those words in any statute; it would be as unpardonable as to write in terms of blood something to aggravate his guilt. He could find nothing in the arguments to convince him that the Legislature, in speaking of a "deed," meant an instrument convertible into money. He was, indeed, at a loss to know what deed could be predicated as not convertible into money. A bill on goods was convertible into money as soon as they could be sold. A building lease was convertible into money as soon, for the moment the holder procures ground and building materials he may sell it. These were instruments not convertible into money, but by some act to be done by the holder of them.

Mr Baron Garrow

That was the case with the deed set out in the indictment; by presenting it at the bank the prisoner was enabled to get into his own hands £5000 stock. It was a deed as much convertible into money as any class of deeds which could be referred to. But what was to be done in cases where deeds were not immediately convertible into money? He would suppose A was about to marry B, with whom he received a large portion. When they married, the parties entered into deeds of settlement, the effect of which was to keep the property in the hands of both parties for certain uses: on the death of one party, to go to the other; on the death of both, to go to the children. Could any one say that it was excluded from the protection of the statute? In short, if the present case were excluded from the operation of the statute, all kinds of deeds would be equally excluded. He might have contented himself with stating that the question had already been argued and determined. He alluded to the case of Waite. Mr. Waite[1] was a gentleman practising at Bristol as an attorney. In an evil hour he executed a forged power of attorney authorising a person in London to transfer a quantity of stock. The person in London, believing the instrument to be genuine, acted upon it. Mr. Waite was indicted, not for forging, but for uttering the instrument in London knowing it to be forged. Mr. Waite was convicted, and, beyond all doubt, properly convicted; but a question arose as to the competency of a witness, which was argued with great ability, amongst others by Mr. Serjeant Bosanquet and the learned Mr. Campbell. The judges would never have entertained such a question for a moment, with the fact staring them in the face that the instrument which had formed the subject of the trial was not a deed in the contemplation of the statute. He felt bound to say that he would have felt no difficulty or hesitation in deciding against the point which had been raised on behalf of the prisoner. He would conclude that in delivering that opinion he experienced consolation in knowing that, to the latest period previous to the execution of the sentence (if it should be carried into execution), the prisoner

[1] John Waite, hanged at Newgate for forgery, 24th February, 1824.

Mr Baron Garrow

would have the benefit of the united wisdom and learning of those who presided over the administration of the law in this country.

The RECORDER[1] expressed his concurrence with the opinion which the learned judge had pronounced.

Mr. FAUNTLEROY then rose and read the following statement:—My lord, I am well aware that no emergencies, however pressing—that no embarrassments, however great, can be listened to as an excuse for the offence of which I have been found guilty; but I trust it may be considered as some palliation in a moral point of view, that a desire to preserve myself and others from bankruptcy, and not personal aggrandisement or selfish gratification alone, urged and impelled me to the acts I have committed; and when I first deviated from rectitude, it was owing to an acute, although I admit, mistaken feeling, to obtain temporary relief; and not from any deliberate intention to defraud. God knows my heart, and the truth of my present declaration, that I hoped and fully intended to make restitution immediately the expected prosperity of the house would have enabled me. This must, I think, my lord, appear evident, from my having frequently replaced the money withdrawn; and the bank books will prove that many of the sums mentioned in the document, written in 1816, have been since reinvested by me to the credit of the parties. That document, my lord, has been supposed to have been prepared in contemplation of flight; this idea is, however, erroneous, and is sufficiently refuted by my continuance at my residence and business for years subsequently. The only object and intention of that paper was in the event of sudden death, before the whole of the money should be reinvested, to absolve every one besides myself even from suspicion. Unfortunately for me, a succession of adverse events, which I could neither avert nor control (and part of which I detailed at length on my trial), led on from one false step to another, until

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[1] Newman Knowlys (died 6th January, 1836), Recorder of London, 1822-33. *Gentleman's Mag.* (1836), II., 211.

Mr Fauntleroy

the affairs of the house became so involved that extrication was impossible. In these difficulties, I offered myself as the only sacrifice, and it is my duty, as a man and a Christian, to resign myself to my fate. For me, my lord, fallen and degraded as I am, life has no allurements; and a momentary pang will at once put an end to my mental agonies and to my earthly existence. But, my lord, I have numerous relations, amongst them my dear and venerable mother—whose feelings I reverence; and for their sakes more than my own, I venture to supplicate that I may not be doomed to suffer a violent and ignominious death. If crime, my lord, can be atoned by suffering, my offences, heavy as they are, have long been expiated, not merely by the overwhelming embarrassments of the concern in which I was engaged, but by years of anxious terror and agonising apprehension; and if, my lord, the anguish of mind I have endured for the last sixteen years of my life, and the peculiar circumstances in which I have been placed ever since I arrived at man's estate, could be made known to my most gracious Sovereign, I venture to hope that His Majesty's benevolent and feeling heart would be touched with compassion for my situation, and that I should not be considered an object wholly undeserving of the Royal clemency. May I therefore, my lord, presume to solicit your lordship's humane interposition, to communicate for His Majesty's merciful consideration the circumstances to which I have alluded; and on behalf of my dearest relations, I supplicate that the punishment of death may be remitted.

[The unhappy man read audibly and distinctly, except at that part of the address which alluded to his mother: there his voice faltered, and he struck his hand forcibly on the bar when he concluded; he resumed the calm demeanour which had previously characterised him.]

The Judgment.

The Clerk of Arraigns then called the following prisoners by name to the front of the dock and asked each of them separately what they had to say why sentence of death should not be passed upon them, according to law. They none of

The Clerk of Arraigns

them offered anything in mitigation with the exception of Harris, who presented a paper, which was handed to the recorder, but no comment was made. Harris was the man convicted of robbery on Sarah Drew in Hackney Fields.

The Recorder then passed sentence in nearly the following words:—You, John Cook, Henry Fauntleroy, William Oliver, William Moore, William Dalton, Henry Ferris, Henry Lee, John Bassinger, Henry John Wall, Edward Harris, Evan Williams, John Adams, Annie Williamson, and Bridget Colley, have been severally convicted by a jury of your fellow-countrymen, and from the long personal experience I have had I can safely aver that I never met with a body of men more inclined consistently with their oaths to make a favourable verdict. Bound by that oath they have felt it to be their duty to consign you to that fate which the law pronounces as a punishment of your crimes. I hope that there are none of you who doubt the justice of that verdict. None of you are at an age approaching the natural term of your lives—all of you are in the full vigour of your body and understanding—yet to this you are reduced by the violation of the laws of God and man. Had these laws been preserved, instead of standing here in this situation, so distressing to every one who beholds you, you might have lived in a state of respectability, possibly in a state of affluence; a comfort to yourself and your friends, instead of an example to those who shall hear of your fate.

Some of you may probably entertain the idea that mercy will be extended to you. The crimes of some of you whom I am addressing are of a very aggravated character. The forger, whose crime might involve even the richest in irretrievable ruin; the midnight burglar, who carried away the property, perhaps the little all, of the inhabitants whose house he entered; the unfeeling robber, who not only takes away the property, but leaves his victim with scarcely any remains of life—these will do well to prepare for death, for these are crimes to which mercy is seldom extended. It is, indeed, the duty of all of you to look forward and prepare for your latter end, and not to lose an instant in turning your thoughts within yourselves and in making ready for the worst. Of this, however, you may be assured, that whatever favourable

The Recorder

circumstances may appear in any of your cases, they will not be withheld from the consideration of the King. The high offences which you have committed are punishable by death by the laws, but those laws have taken care that you shall not be unprepared for such punishment, and for that purpose you have been provided with an excellent and pious divine. Let me entreat you as fellow-Christians to attend to him and prepare yourselves under his direction in the best way you can, by fervent devotion and real repentance for the death held out by the law.

In the hope that such may be your conduct nothing remains for me now but to pass the last sentence of the law, which is that you and each of you be severally conveyed from the bar to the gaol from which you came, and there to the place of execution, and there be hanged by the neck until you are severally dead, and God Almighty have mercy on your souls.

To this the crier of the Court answered "Amen."

The Recorder—If the prisoner[1] that read a paper to the Court is desirous that the petition should be presented to His Majesty's Council, I will take care that such is the case.

[The prisoners were then removed from the dock; Mr. Fauntleroy spoke a word to Mr. Harmer and then retired with the same sort of placid composure that appeared to support him during the whole proceedings. He appeared, on the whole, to take very little notice of what was going on during the arguments in his favour, and however near any person passed to him it did not occasion him to lift his head.]

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[1] Henry Fauntleroy.

James Harmer, Esq.
Solicitor.

Engraved by T. Wright from a Drawing by A. Wivell.

James Harmer, Esq., Solicitor.

Engraved by T. Wright from a Drawing by A. Wivell.

APPENDICES.

APPENDIX I.

The Forgeries of Fauntleroy.

(From "Some Distinguished Victims of the Scaffold," by Horace Bleackley, 1905. Re-written and revised.)

The Berners Street Bankruptcy.

No complete balance sheet of the Marsh-Stracey bankruptcy appears to exist. The books of the firm seem to have baffled both the Commissioners and the assignees; and so artfully had Fauntleroy concealed his frauds that even skilled accountants did not succeed in unravelling the whole of the mysteries.[1] The reports of the proceedings of the Court of Bankruptcy, printed in contemporary newspapers, furnish many important clues, but those reports, when not conflicting, are neither lucid nor exhaustive. Yet, although many details must remain obscure, it is possible to form a rough conception of the result.

The Position of the Bankrupts.

Since we know that the first dividend of 3s. 4d. in the £ (distributed to the creditors on 22nd January, according to the Files of the Court of Bankruptcy, and on 7th February, 1825, according to the newspapers) absorbed a sum of £92,486,[2] it would appear that Messrs. Marsh, Stracey & Co. required a grand total of £554,916 to pay 20s. in the £. Practically, these figures are substantiated by the preliminary accounts presented to the Commissioners on 18th December, 1824, which state that the claims against the firm—excluding any liability to the Bank of England—amount to £554,148.[3]

This estimate, however, is the only one of any accuracy made at the time, for the assets expected to be realised fell very short of the original calculation. A second dividend of

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[1] *British Press*, 31st March, 1825.

[2] *Morning Post*, 3rd and 8th February, 1825; *British Press*, 31st August, 1825. Files of the High Court of Justice in Bankruptcy, Bankruptcy Buildings, Carey Street, W.C.

[3] *Morning Post*, 20th December, 1824; *British Press*, 20th December, 1824.

3s. 4d. in the £ was received by the creditors on 30th August, 1825, and on 12th May, 1831, a further sum of £46,243, or 1s. 8d. in the £, was distributed.[1] Thus, the total of the first three dividends—which were equivalent to 8s. 4d. in the £—amounts to £231,215.

The bankruptcy returns of Patrick Johnson (official assignee), published in 1839, shows that assets were collected after the payment of the third dividend, amounting to £160,930, and thus, at this date, the creditor side of the Berners Street ledger appears to have reached a total of £392,150.[2]

From this balance of £160,930—realised by the official assignee after the payment of the first three dividends—further distributions of 5d. and 1s. (being 9s. 9d. in the £ in all) were made respectively on 23rd December, 1833, and 9th September, 1835, and absorbed further sums of £11,560 15s. and £27,745 16s.[3]

During September, 1835, the claim of the Bank of England against Messrs. Marsh, Stracey & Co. was compromised for a payment of £95,000 in cash,[4] and a further sum of £11,000 for the expenses of working the Commission of Bankruptcy from 16th September, 1824 (the date of its issue under the Great Seal) to the end of the year 1833 must also be deducted.[5] Therefore a balance of £15,628—*less* any further costs—appears to have remained for payment of another dividend. Such was the position of the bankrupt estate after the distribution of the fifth dividend of 1s. in the £ in September, 1835.

Subsequently, as is shown in the files of the Court of Bankruptcy, it was found that the claims of the creditors had been under estimated. Debts were proved amounting altogether to £558,686 5s. 1d., or £4538 5s. 1d. more than was calculated on 18th December, 1824. The assets, however, allowed of two more dividends. The sixth, of 1s. in the £,

[1] *British Press*, 31st August, 1825; Returns as to Bankruptcies previous to the Act of 1831 (1839), XLIII., p. 96; Bankruptcy Files.

[2] *British Press*, 31st August, 1825; Returns as to Bankruptcies previous to the Act of 1831 (1839), XLIII., p. 96; Bankruptcy Files.

[3] *Times*, 24th December, 1833; 11th December, 1835.

[4] *Morning Post*, 10th September, 1835; *Times*, 11th September, 1835.

[5] *Morning Post*, 24th December, 1833.

which was paid on 7th March, 1840, absorbed a sum of £27,934 6s. 3d., and the seventh, of 5⅛d. in the £, paid on 5th April, 1852, absorbed a sum of £11,930 5s. 8d. Thus, £310,386 2s. 11d. in all was distributed among the creditors, making 11s. 2⅛d. in the £. There is no record of any further dividend.[1]

The following balance sheet will explain the above accounts:—

Dr.		*Cr.*	
1st div. 3s. 4d., 7th Feb., 1825,	£92,486 0 0	1st div.	£92,486 0 0
		2nd div.	92,486 0 0
2nd div. 3s. 4d., 30th Aug., 1825,	92,486 0 0	3rd div.	46,243 0 0
3rd div. 1s. 8d., 12th May, 1831,	46,243 0 0	Received of the official assigner at the Court of Bankruptcy, 84 Basinghall St., from 28th Dec., 1832, to 7th Oct., 1837,	160,930 0 0
4th div. 5d., 23rd December, 1833,	11,560 15 0		
5th div. 1s., 9th Sept., 1835,	27,745 16 0		
6th div. 1s., 7th March, 1840 (paid on the increased claims),	27,934 6 3	Balance (collected between 1837 and 1852),	24,271 2 11
7th div. 5⅛d., 5th April, 1852,	11,930 5 8		
Paid to the Bank of England, Sept., 1835,	95,000 0 0		
Expenses of Administration from 24th Dec., 1833, to 9th Sept., 1835,	11,000 0 0		
	£416,416 2 11		£416,416 2 11

The Private Estates of the Partners.

The private estates of Messrs. Stracey and Graham paid 20s. in the £ before the end of 1833,[2] and upon that of William Marsh, the senior partner, who appears to have been indebted to

[1] Files of the High Court of Justice in Bankruptcy, three voluminous dossiers. As late as the 1st June, 1869, Peter Paget, one of the official assignees of the Court of Bankruptcy, was appointed to be and to act as official assigner in the bankruptcy of Marsh, Stracey & Co., in place of Edward Watkin Edwards.

[2] *Times*, 24th December, 1833.

the firm for a loan of £73,000, excluding his overdraft on his private account, a distribution of 17s. 2½d. had been made before 1842.[1]

Losses under Fauntleroy's Management.

It is now possible to form an estimate of the extent to which Messrs. Marsh, Stracey & Co. were defaulters, and what were the losses under the Fauntleroy *régime*. The total receipts set against the claims of the creditors and the money stolen from the Bank of England show a deficiency of £502,484.

Thus—

	Dr.		*Cr.*	
Total debts proved by creditors,	£558,686 0 0	Total receipts,	£416,416 0 0
Gross loss by bank,	360,214 0 0	Balance,	502,484 0 0
	£918,900 0 0		£918,900 0 0

How the Losses were incurred.

Although it would be difficult, with any degree of accuracy, to apportion under the separate charges this adverse balance of over £500,000, and although much must be left to conjecture, it is possible to explain some of the ways in which this vast sum was dissipated. At the outset, the suggestion—arising out of one of the pleas of Fauntleroy and believed at the time—that the overdraft on loans to two of the partners was responsible for a dead loss of £100,000 is refuted by the fact that the greater part of this sum proved to be a good debt, for Graham repaid all, and Marsh nearly all, of his obligations.

Although the forger's estimate of the result of his building speculations is extravagant, the newspapers of 20th December, 1824, which report a meeting of the Commissioners of Bankruptcy, make it clear that the Berners Street house must have lost £160,000 in this manner. It is certain also that immense sums were absorbed by the payment of dividends to the proprietors whose stocks had been stolen. Nearly £7000 per annum must have been required for this purpose from the year 1816, and the sum would accumulate at compound interest, until, as some say, an annual fund of £16,000 was required. Setting aside all

[1] Bankruptcy Files.

excessive calculations, we have the authority of the historian of the Bank of England that £9000 to £10,000 a year was thus expended during the progress of the forgeries, or £90,000 in all.[1] Further than this, notwithstanding the parlous state of their business, the testimony of almost the entire press credits the three partners with receiving an income of £3000 each. At the examination of William Marsh, reported in the newspapers of 1st March, 1825, it was proved that he was indebted for an overdraft of £26,000 on his private account. As there is no reason to believe that Stracey or Graham enjoyed a smaller income, a further deficit of nearly £80,000 is the result. And, finally, as will be shown, there is an overwhelming weight of evidence to prove that the iniquitous Henry Fauntleroy, during the seventeen years he was a partner, dissipated at least £100,000. Thus, under the four heads, as stated above, a deficit of £430,000 is accounted for. In addition, the repayment of the capital of Sir James Sibbald (who died 17th September, 1819), which formed a large portion of £64,000—the capital of the firm in 1814—would swell the adverse balance still further. Lastly, it was generally believed and is highly probable that large sums were lost owing to the necessity of reinvesting at short notice the various stocks sold by Fauntleroy in order to avoid detection.

To what extent did Fauntleroy participate in the Proceeds of his Forgeries?

When Fauntleroy made his famous declaration from the dock he was endeavouring to refute the extravagant assertion that he had spent over £400,000 in riotous living; and, thus led to the opposite extreme, he made the mistake of attempting to convey an erroneous impression of his frugality. He confesses that the Brighton villa cost £400 a year—though he is careful to add that this is "exclusive of wine"—but he is not candid enough to admit the expenses of his other establishments. Utterly false, too, is his answer to the charges of profligacy which the newspapers had made against him, exaggerated though they were.

"It has been cruelly asserted," he declares, "that I have fraudulently invested money in the funds to answer the payment

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[1] "History of the Bank of England," John Francis, I., 344.

of annuities amounting to £2200 settled upon females. I never did make such investment."[1]

No contradiction could have been more untrue. Whoever made the necessary investments—and the forger was shrewd enough not to let the transaction appear in his own name—there is evidence that he provided lavishly for his mistress, Maria Forbes. The lie is merely concealed in subtle language.

"Neither at home nor abroad," continues Fauntleroy, "have I any investment, nor is there one shilling secretly deposited by me in the hands of any human being."

Yet the Commissioners of Bankruptcy were soon to discover that he had spent thousands upon his friend, Mrs. Cathrow Disney.[2] His one denial in unequivocal terms is a deliberate falsehood.

"Equally ungenerous and untrue it is," the forger proceeds, "to charge me with having lent to loose and disorderly persons large sums of money which never have and never will be repaid. I have lent no sums but to a very trifling amount, and those were advanced to valued friends."

No doubt this last declaration had reference to the rumour that he had squandered money upon the notorious Mary Kent, or Betram, *alias* "Mother Bang"—the "Corinthian Kate" of Pierce Egans's "Life in London"—and its truth or falsehood must depend upon the exact disposition of "large sums." The criminal, who had dealings with huge balance sheets, naturally had a magnificent sense of proportion.

Fauntleroy's Expenditure.

Fortunately, there is evidence of some of the "prodigal extravagance" that is laid at his door, so that we are able to estimate the sum that he squandered upon his own enjoyments. The total loss to the Bank of England owing to the forgeries was £360,214, and the original claim of the directors against the Berners Street establishment was £250,000.[3] So it seems that the balance of £110,214 was believed to have

[1] Pierce Egan's account, p. 53.

[2] Bankruptcy Order Book, No. 168, Public Record Office.

[3] Report of Committee of Secrecy on the Bank of England's Charter (1832), Appendix, p. 55; *cf. Morning Chronicle* and *Morning Post*, 24th December, 1833; *British Press*, 2nd February, 1825.

been spent wholly by Fauntleroy, and not placed to the credit of the partnership. The sworn testimony of Mr. Wilkinson, an accountant employed by the assignees to examine the books of the bankrupts—although inclined to favour Messrs. Marsh, Stracey & Co.—supports this assumption in the most decisive manner.[1] Thus, in spite of the protests of his defence, it would appear that during his management the forger appropriated for himself a sum of well over £100,000. These figures, moreover, are endorsed by the fair-minded James Scarlett, who made the same statement as Wilkinson in his speech for the defendants in the case of Stone and Others *v.* Marsh, Stracey & Co., which was heard on 2nd March, 1826.[2] To disregard such unanimous testimony is impossible.

How did Fauntleroy Spend the Money?

It is quite credible that for a period of seventeen years (from 1807 to 1824) a man of Fauntleroy's habits should have expended the sum alleged. Had each of his three establishments—in Berners Street, in Brighton, and at Lambeth—cost him as much as his moderate estimate of one, and none of them could have been less expensive, the total reaches £1200 a year. In addition to this he is known to have allowed an annuity of £400 to his wife. Thus, as he kept horses and carriages both at London and the seaside, his lowest annual domestic expenditure must have been £2000, or £34,000 over the period. Although the house at Fulham was one of his later extravagances, there were others that had taken their place previously. There are traditions that he had residences in various localities. A correspondent, writing in the *Sunday Monitor* of 1st November, 1824, declares that he occupied a house "with a female" in Durveston Street, afterwards Crawford Street, about the year 1811, removing with her subsequently to the corner of South Audley Street. He is believed to have been living at one time at Bayswater House, "an isolated mansion," between Lancaster Gate and Orme Square, and although there is no trace of this tenancy in the Paddington rate-books between the years

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[1] *British Press*, 1st March, 1825; *Times*, 4th March, 1826.
[2] Ryan & Moody's Law Reports from 1825-1826 (London, 1827), p. 364.

1819-1824, it is possible (as was said to be his wont) that the house was taken in an assumed name. He is supposed to have resided also at Counter's Hill, New Cross, Kent, then a pretty suburb; and also at Sandgate.[1]

The villa, land, and furniture at Brighton, sold after his death, realised nearly £7000—the residence alone is said to have cost him this amount; and since he was the owner of a mews and six houses in Bryanston Square[2] and two other houses in York Street, his freehold property, on a moderate estimate, must have been worth £10,000. His library at Berners Street also realised £2714.

From the reports of the trial of Maria Forbes at the Lewes Assizes in April, 1827, we gather that Fauntleroy settled £6000 on his youthful mistress, besides an annuity of £150, "of which the assignees," said John Adolphus, her counsel, "through the advice of a worthy gentleman, Mr. [James] Bolland, were not so cruel as to deprive her."[3] Thus, another £10,000 is added to the banker's debt.

It is recorded also that the creditors of Messrs. Marsh, Stracey & Co. recovered the sum of £2500 and also an insurance policy (said to be for £5000) from Mrs. James Cathrow Disney, who had been the recipient of Fauntleroy's bounty to an extent exceeding the limits of platonic love, and, according to the *Times*, the amount refunded was £10,000. Although many reports state that she received twice this sum, it is sufficient for the purpose to accept the lesser figures.[4]

Thus there is almost complete evidence that Fauntleroy's expenditure under three heads—domestic expenses, freehold property, and the two mistresses above-mentioned—absorbed a sum of at least £64,000. It is not unreasonable to suppose

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[1] *Sunday Monitor*, 1st November, 1824; "Old and New London," Walter Thornbury, I., 181. *Notes and Queries*, 2 S., IV., 227; "Handbook to Sandgate" (1911), p. 6.

[2] *British Press*, 17th January, 1825; "The Squares of London," E. Beresford, chancellor, p. 278.

[3] *Morning Herald*, 4th December, 1824; *Brighton Gazette*, 14th and 21st September, 5th April, 1827; *Ramblers' Mag.*, 1st April, 1827, pp. 180-182. James Bolland (died 23rd February, 1831) was one of the assignees.

[4] Bankruptcy Order Book, No. 168, Public Record Office; *Times*, 16th December, 1824; *British Press*, 17th December, 1824; *Morning Post*, 24th December, 1824; *New Times*, 24th December, 1824.

that the man who could squander this money in less than seventeen years, while his firm was in so dire a plight, was capable of spending double the amount. It is improbable that his various establishments cost him no more than £2000 a year; and if the *Times* of 1st December, 1824, is to be credited, he confessed that he had enjoyed a much larger income. Indeed, it is impossible that he could have cut the dash he did on such a sum. The age of pinks and bloods was as extravagant as our own and many luxuries of life more expensive. Fauntleroy was a patron of "Corinthian Kate," and her like; and if Pierce Egan is an authority we may conjecture—in spite of her denial to Joseph Parkins—"he behaved very shabby," said she—that the unfortunate banker found her an expensive luxury.[1] Like the great man whom he took a pride in fancying he resembled, it is notorious that the forger had a weakness for what his contemporaries termed "ladybirds," and was in this respect most lavish and improvident. Moreover, he was celebrated for his costly dinners and rare wines—there is the grim story of the friend who urged him as a last request to tell where he purchased his exquisite curaçao[2]—and he seems to have denied himself no luxury. Although it is not possible to give a complete explanation of his expenditure during the years of his race to ruin, it is satisfactory to know some portion of the details, and they prove, through all possible coats of whitewash, that he was guilty of the most prodigal extravagances.

The Conduct of the Partners.

Since the partners of the Berners Street bank were censured for gross negligence in two Courts of law,[3] it is not sur-

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[1] Life of Mary Kent, *alias* Mrs. Bertram (Duncombe), 1831, pp. 1, 22.

[2] When paying his last visit to Newgate this friend is said to have exclaimed—"Fauntleroy, you stand on the verge of the grave. Remember the text, my dear man, that we brought nothing into this world and it is certain we can take nothing out. Now, tell me as a friend, where did you get that curaçao?" "Old and New London," Walter Thornbury, II., 455. "Drafts on My Memory," Lord William Pitt Lennox, II., 269.

[3] Ryan & Moody's Law Reports from 1823-26. "Stone and Anor. *v.* Marsh, Stracey and Graham," p. 364; Reports of Cases determined at Nisi Prius from 1823-27, by Edward Ryan and William Moody, "Hume and Anor. *v.* Bolland and Ors.," p. 371.

prising that their creditors should have treated them with severity. At first the public regarded them as unfortunate dupes, and, as it has been shown, it was not until Fauntleroy made his defence in the dock that a popular outcry arose. It seemed incredible that three men of the world should have cast the heavy burden of managing a firm, weighed down by embarrassments, upon the shoulders of a youth of twenty-two, and equally preposterous that, in the face of losses reaching into hundreds of thousands, the young man's colleagues should have remained easy, trusting, asleep. Yet, in spite of the onslaught of the London press, and the clamour of the creditors, headed by Joseph Parkins, beneath the roof of the "Boar and Castle" and the "Freemasons' Tavern," it is certain that Messrs. Marsh, Stracey and Graham were innocent of all guilty complicity in their partner's frauds. The statements that had aroused the storm against them proved to be baseless or exaggerated. It has been shown that the Berners Street bank did not lose £270,000 in building speculations between 1810 and 1816, as Fauntleroy suggested, and to meet the loss that did occur a large sum was raised by the supporters of the firm, to which Wm. Marsh contributed £40,000.[1] Thus, considering the reticence of their manager, there was good reason why the partners should believe that they had weathered the financial storm, which brought to ruin so many of their contemporaries.

Modern commerce estimates more accurately the value of youth than the age of Mr. Walter, the second; and yet as young Fauntleroy, who was one of the smartest bank managers in London, accepted his responsibilities with zest and cheerfulness, it is not surprising that he became the autocrat of the firm. Moreover, the juggler in figures who could deceive the clerks working at his elbow day by day would have no difficulty in satisfying the periodical curiosity of sleeping partners. Rich dividends poured into their coffers, and, like many another good, easy man, they did not pause to look a gift-horse in the mouth. Fools they were, and must remain, but in the end the world ceased to suspect their honour.

Still their credulity was remarkable. All three of them

[1] *British Press*, 11th April, 1825.

The Arms of Fauntleroy.

appear to have been the instruments of most of the frauds, attending at the Bank of England to make the transfers under the forged powers of attorney, and instructing brokers to dispose of the stolen stocks and bonds. In one particular, however, the conduct of Marsh and Stracey appeared dubious. It was improper that the daughter of the former should cash a cheque for £5000 on the day of Fauntleroy's arrest, while the latter should draw out over £4000 in the name of his father.[1] The trick was discovered, and restitution made to the creditors. Henceforth, they strove to make all the atonement possible. Mrs. Stracey and Mrs. Graham even surrendered their jewels, but these were returned to them by the assignees.

The Bank of England's Claim.

As might be supposed, the Bank of England received little sympathy, either from the press or from the people. The directors never disputed their obligation—as managers of the public debt—to refund to the rightful proprietors the whole of the stocks that had been stolen, but they made every effort to enforce their claim against the Berners Street firm—amounting to a quarter of a million—which, they contended, Fauntleroy had placed to the credit of the house. It was soon made clear by law that Messrs. Marsh, Stracey & Co. were responsible to the stockholders, who had been defrauded by their managing partner, and thus were equally responsible to the bank, whose debt was similar to that of the stockholder.[2] The chief obstacle to the bank's claim lay in the fact that the proprietors of the stolen stocks were depositors, and, as a natural consequence, creditors also of Marsh, Stracey & Co. Being aware that the directors were legally compelled to replace their missing Consols and Exchequer bills, they raised a great clamour against the claim of the Bank of England, for, naturally, they perceived that if it was enforced the cash balances in their Berners Street pass-books would be diminished. This difficulty compelled the bank to seek the consent of the Courts to permit them to claim from the bank-

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[1] *Morning Post*, 20th December, 1824.
[2] Ryan & Moody's Law Reports from 1823-26 (London, 1827), p. 364.

rupts the lump sum that had been restored to the stockholders, so that it would not be necessary to bring forward reluctant persons to prove each separate debt, and in order to avoid the expense and delay of a multiplicity of proofs.[1] Lord Chancellor Lyndhurst ruled, however, that each transaction must be established to the satisfaction of the Commissioners of Bankruptcy in the usual way, and thus the bank was driven to depend upon the individual testimony of each stockholder. Since the claim of half a million was compromised for a payment of £95,000 we may conclude that the majority of the Berners Street creditors were not disposed to come forward to assist the rival claimant to a share of their dividends.

The Transfer of Stock.

Much has been written of the lax methods of transferring stock in vogue at the Bank of England. Since Fauntleroy's clerks had no difficulty in detecting their employer's handwriting in the signature attached to the forged power of attorney produced at the trial, it is plain that the crimes could not have continued for so many years unless a most careless system had prevailed. The Berners Street swindle showed that it was possible for any applicant with whom the clerks at the Consols office were acquainted to make the transfer of another person's securities, provided only he possessed a knowledge of the exact value of the particular stock he wished to appropriate. A power of attorney seems to have been as readily acted upon as obtained, and no comparison of the real owner's signature appears to have been made. This danger was pointed out subsequently at a meeting of the Court of Proprietors, and a shareholder made the wise suggestion that when any transfer was made immediate notice should be sent to the proprietor of the stock.[2]

Yet, checks and precautions did exist at the Bank of England in the days of Henry Fauntleroy. The purchasers of securities were recommended to protect themselves from fraud by accepting themselves—that is to say, by signing—all trans-

[1] Cases in Bankruptcy from 1821-28, by Thomas Glyn and Robert Jameson (London, 1828), II., 363-368.
[2] *Times*, 17th September, 1824.

fers of stock made to them, thus giving the officials of the Bank of England the opportunity of comparing the handwriting of the proprietor whenever necessary. Still, the investing public rarely complied with this regulation, and Fauntleroy must have been aware that there was no danger of suspicion on this account.

Although forgery of such a description is more difficult in these days, yet prudence should neglect no safeguard that does not impede business. A signature, however much resemblance it has to its original, may still be a forgery, and personal attendance might be simulated by a bold and plausible scoundrel. The most sure precaution is the one suggested on 17th September, 1824, by the nameless proprietor, that whenever a transfer is lodged immediate notice shall be sent to the holder of the stock.

APPENDIX II.

Fauntleroy and the Newspapers.

(From "Some Distinguished Victims of the Scaffold," by Horace Bleackley, 1905. Re-written and Revised.)

The "Morning Chronicle."

Under the leadership of the famous John Black,[1] this paper had become a somewhat fat and stodgy production, savouring of the "unco guid." It is fierce in its attacks upon Fauntleroy's partners, and pleads that mercy shall be shown to the culprit. Special prominence is given to the pious conversations alleged to have taken place in Newgate between the prisoner and his spiritual advisers, Messrs. Springett and Baker. Since this paper is not hostile to Fauntleroy, it is strange that it should publish (11th November) a communication from his enemy, ex-Sheriff J. W. Parkins, in which the writer tries to show that the prisoner, who is awaiting his trial, has been a brutal husband. The first announcement that the Berners Street bank had suspended payment appears in the columns of the *Chronicle* on Monday, 13th September.

The "Morning Post."

Although the *Morning Post* plumes itself upon its humanity towards Fauntleroy, its attitude is wholly inconsistent and double-faced. Having copied from the *Times* a column of scandal concerning the private vices of the dishonest banker, it turns round and upbraids its contemporary, a few weeks later, for supplying the information. Foolish letters upon all kinds of subjects from Fauntleroy's bitter enemy, J. W. Parkins—Sheriff of London, 1819-20—disfigure this newspaper constantly. The *Post* gloats over the scene at Debtor's Door, and is glad there was no pardon. "There never was a forgery case," it declares, in its leading

[1] John Black, 1783-1855, journalist. Dic. Nat. Biog.

article on the morning after the execution, "in which there were less grounds for mercy. Eugenius Roche[1] was the editor.

The "Morning Herald."

This journal is opposed to the death penalty for forgery and inserts several letters, urging that the convict should be reprieved, but it admits after the execution that, while the law remained unaltered, there were no special circumstances in the case to warrant mercy. The report of the trial on 1st November, which holds up to ridicule the conduct of ex-sheriff Parkins previous to the meeting of the Court, furnishes a striking proof of his malice against Fauntleroy. During April, 1823, Parkins made a somewhat feeble attempt to assault Mr. Thwaites of the *Morning Herald* in his office, which is one of the reasons, no doubt, why the editor handles him so roughly. In a short leader on 2nd December, the *Herald* condemns the practice of making a show of criminals in the chapel of Newgate on the Sunday before their execution.

The "Times."

The attitude of the *Times* towards the unhappy banker is a black record in its history. Although the man was a great criminal, it is not creditable to British journalism of those days that a leading newspaper should take infinite pains to rake up every scandal of his past life and to prejudice the public mind against him *before* he was brought to trial. A more deliberate attempt to condemn a man unheard has never been made in the press. It is amazing that an editor of the calibre of Thomas Barnes[2] should have printed the article of 24th September and the disgraceful letter, signed "T," of 25th September, which compares Fauntleroy to Thurtell, the cut throat. The reproof administered by James Harmer in his protest of 27th September, although fully deserved, was not sufficient to restrain the licence of Mr. Walter's[3] reporters. The *Times* proceeds to wrangle with

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[1] Eugenius Roche, 1786-1829, journalist. Dic. Nat. Biog.; "English Newspapers," H. R. Fox Bourne, II., 25.

[2] Thomas Barnes (1785-1841), editor of the *Times*, 1817-41. Dic. Nat. Biog.

[3] John Walter (1776-1847), chief proprietor of the *Times*. Dic. Nat. Biog.

the *Brighton Gazette* as to whether the banker was a libertine, and on 9th October it publishes a statement about his lenient treatment in Coldbath Fields prison, for which it was compelled to apologise to John Vickery, the governor. More innuendoes follow concerning Fauntleroy's moral character, and on 19th October (before his trial) it is reported that the punters at the "One Tun" tavern in Covent Garden were making bets as to whether he would be hanged.

"How many better, how many braver men, have died by the hand of the executioner without raising any public emotion of sympathy," says this truculent journal on the morning after the culprit was executed. "If death be too severe a punishment for forgery, rational and disinterested men would still not have forwarded an application for a repeal of the law upon the most atrocious case that had ever been known to exist . . . a case of that nature that, if forgery had not been capital before, the most humane legislators would have doubted whether, if carried to a similar extent, it should not be rendered capital in future." Finally, on 4th December, comes a blast of thunder that the editor of the *Eatanswill Gazette* might have envied. "We are not anxious to extend the narrative of Mr. Fauntleroy's life by a description of his personal habits, but, if provoked, we can lay before the public such a detail of low and disgusting sensuality, as would appear incredible to those who were not degraded in body and mind as he was. This narrative would involve persons who hold themselves rather high, and who have presumed to talk big with reference to our accounts of their wretched friend and associate. Let them be quiet; if we find that in public or private (and we have channels of information they dream not of) they have the impudence to disparage our motives or deny our statements, we will hold up their names and actions to public scorn and astonishment and disgust."

Two years later, in 1826, the *Times* began to improve greatly in appearance, being better printed on better paper, and was much better arranged. From this date it became the foremost British newspaper.

The "Morning Advertiser."

This journal, then, as now, the organ of the licensed victuallers, is hostile to Fauntleroy, but moderate in the reports it

publishes about him. In its leading article of 1st December it approves of the execution, and expresses surprise at the pity that has been called forth, "when there has been no pity excited for those executed on account of smaller forgeries."

The "New Times."

As might be expected, this paper deals some nasty raps at that from which its editor, John Stoddart,[1] seceded. It is very critical of the conduct of Fauntleroy's partners, with whose explanations before the Commissioners of Bankruptcy it is dissatisfied, but does not make the reckless charges against them that appear in some journals, such as the *Sunday Times* and *Morning Chronicle.* Its indignation was aroused by the great crowd, including "many females," that was present at the execution "to gaze on the dying agonies of the wretched sufferer."

The "British Press."

Gives more information than any other paper of the details of Marsh, Stracey & Co.'s bankruptcy. The reports of the proceedings before the Court of Commissioners, and of the meetings of the Berners Street creditors, which are criticised at large, throw much light upon the endless ramifications of the Fauntleroy forgeries. This journal alone makes an attempt to ascertain whether the statement of the criminal banker was endorsed by the books of his firm. "I declare," says Fauntleroy in his defence, "that all moneys temporarily raised by me were applied, not in one single instance for my own separate purpose or expenses, but in every case they were immediately placed to the credit of the house in Berners Street, and applied to the payments of the pressing demands upon it. . . . The books will confirm the truth of my statement . . . the whole went to the general funds of the house.

The particulars furnished by the *British Press* seem to show that, whether or not "the moneys" were placed to the credit of the Berners Street bank in the first instance, Henry Fauntleroy managed to dissipate considerably more than £100,000 of them.

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[1] Sir John Stoddart (1773-1856). Dic. Nat. Biog.

George Lane is said to have been editor of this newspaper.[1]

The "Examiner."

The statements in Fauntleroy's defence are received with incredulity. "From what we hear and observe of the man," says the *Examiner*, in a leading article of 7th November, "we do not believe that he would have risked his life to preserve a trading concern of which he had only a fourth share. We expect the truth will be that he began to forge to get money for himself, and was obliged to go on because bankruptcy would have led to his detection." Being a Radical journal, it condemns the law of banking, and attacks the monopoly of the Bank of England. The Hunts[2] were no longer connected with the *Examiner*, which passed into the hands of Dr. Robert Fellowes,[3] the Radical philanthropist. A little later, under the editorship of Albany Fonblanque,[4] it entered upon a period of prosperity.

The "Observer."

The veteran Sunday journal—which at this period was the property of William Clement,[5] who owned also the *Morning Chronicle* and afterwards *Bell's Life*—takes the bulk of its reports, like most of the weekly papers, from the columns of the daily press.

The "Sunday Times."

This hardy newspaper (which age cannot wither) condemns the criminal code that makes forgery a capital offence, and charges Messrs. Marsh, Stracey and Graham with previous knowledge of their partner's guilt. On 10th October appeared the famous letter from the malignant ex Sheriff complaining that Fauntleroy or his partners had surrendered certain private documents, which he had left at their bank in safe custody, to James Harmer, the solicitor. In those days

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[1] "English Newspapers," H. R. Fox Bourne, II., 27.
[2] John and James Henry Leigh Hunt. Dic. Nat. Biog.
[3] Robert Fellowes (1771-1847). Dic. Nat. Biog.
[4] Albany Fonblanque (1793-1872). Dic. Nat. Biog.
[5] William Innell Clement (d. 1852). Dic. Nat. Biog.

the *Sunday Times* was under the proprietorship of its founder, Daniel Harvey,[1] a Radical politician.

The "Englishman."

A weekly paper, containing reports similar to those in the *Observer*.

Bell's "Weekly Messenger."

The leading article of 5th December expresses the hope that Fauntleroy will be the last person executed for forgery, and proceeds to condemn the existing code vigorously. As a matter of fact, the Berners Street frauds postponed the much-desired reform, and the illogical argument of George III.—"If Dr. Dodd is pardoned, then the Perreaus have been murdered"—was revived in another form. The law was mitigated in 1832, but the capital penalty was not finally abolished in the case of forgery of wills and powers of attorney to transfer stock until 1837. *Bell's Weekly Messenger*, a Tory organ, was the property of John Bell,[2] its founder, the printer of "British Poets" and "The British Theatre."

Bell's "Weekly Dispatch."

This newspaper, established in 1801—five years after his *Weekly Messenger*—by John Bell, had now become the property of James Harmer,[3] the Old Bailey attorney, who was Fauntleroy's solicitor. The scathing attacks upon Joseph Wilfred Parkins,[4] which appear in this journal on 3rd October, 10th October, and 14th November, explain the reason of the "XXX Sheriff's" animosity towards the unfortunate banker, for they give a full account of the case—Hicks *v.* Parkins—in which the latter was defeated owing to the production of the cheque, drawn upon the Berners Street bank, which Parkins swore in the witness-box had not been presented. On 26th December the *Weekly Despatch* reports the ex-Sheriff's trial for perjury (in consequence of his evidence in the lawsuit), which took place on 20th December. He was found not guilty, the judge suggesting to the jury that

[1] Daniel Whittle Harvey (1786-1863). Dic. Nat. Biog.
[2] John Bell (1745-1831). Dic. Nat. Biog.
[3] James Harmer (1777-1853). Dic. Nat. Biog.
[4] Joseph Wilfred Parkins, died 12th April, 1840, in New York *Gentleman's Mag.* (1840), II., 549.

"a man of such warmth" might possibly in his passion have forgotten what had happened, and therefore might have borne false witness unwittingly.

Naturally, owing to its connection with Harmer, the *Weekly Dispatch* is very well informed upon all matters relating to Fauntleroy, and refutes many of the misstatements of the *Times*, which it regards as its special enemy. It made a great effort to save the condemned man, and the petition for reprieve which lay at its office received three thousand signatures. From first to last it maintained that his punishment was a harsh one. The Rev. H. S. Cotton, Ordinary of Newgate, comes in for some well-deserved censure for the tone of his "condemned sermon."

Pierce Egan's "Life in London."

This paper, started on 1st February, 1824, by the creator of *Tom and Jerry*, gives extracts, copies for the most part from other sources, and similar information to that contained in Pierce Egan's[1] account of the trial.

"John Bull."

Naturally, Theodore Hook's[2] paper did not miss the opportunity of inveighing against the *Times* for its cruelty towards Fauntleroy, or of ridiculing the sanctimonious articles of the *Morning Chronicle*. Still, it is unjust to Mrs. Fry's friend and helper, Mr. Baker,[3] whose work among the prisoners of Newgate seems to merit the highest praise.

The "Sunday Monitor."

Contains most of the gossip that arose out of the case. The boast of this paper that its report of the trial will be the best that is published certainly did not prove to be true.

The "Eclipse."

Gives a fairly extensive report of the trial.

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[1] Pierce Egan (1772-1849). Dic. Nat. Biog.

[2] Theodore Edward Hook (1788-1841). Dic. Nat. Biog.

[3] Benjamin Baker, died at Islington, 29th June, 1841, aged 75. Principal engraver to the Ordnance Office in the Tower. *Gentleman's Mag.* (1841), II., 217.

Fauntleroy and the Newspapers.

The "Globe and Traveller."

Condemns the "mischievous law" passed in 1708 to support the Bank of England's monopoly, which prevented a private banking establishment from being controlled by more than six partners. The journal contends with truth that this legislation "forces a business of great responsibility, which should be of entire security, into the hands of small firms." The law of 1825 altered all this. The *Globe*, which was one of the most successful evening newspapers, was owned by Colonel Robert Torrens,[1] with Walter Coulson[2] as the editor. It was Radical in politics.

The "Courier.'

The Tory evening paper. It has a weakness for drawing attention to its own propriety, in comparison with that of its contemporaries. Its leader on the evening of the execution declares that, although it refrained from comment while there was a chance of mercy, it applauds the firmness of the authorities in refusing a reprieve when there was nothing in Fauntleroy's case to merit such interference. Daniel Stuart[3] —a great name in journalism—who was the proprietor at one time of the *Morning Post*, had sold his interests in this paper in 1822.

The "Sun.'

A somewhat feeble paper, though well printed and well arranged, edited by the famous John Taylor,[4] author of a valuable book of memoirs, called "Records of My Life." It prides itself on never printing anything about Fauntleroy, except the proceedings before the magistrates.

The "Scotsman"

In its leader after the execution this paper declares that the sympathy excited on behalf of Fauntleroy was scandalous.

The "Brighton Gazette.'

Cudgels the *Times* lustily, and is indignant that a mere

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[1] Robert Torrens (1780-1864). Dic. Nat. Biog.
[2] Walter Coulson (1794?-1860). Dic. Nat. Biog.
[3] Daniel Stuart (1766-1846). Dic. Nat. Biog.
[4] John Taylor (1757-1832). Dic. Nat. Biog.

London paper should presume to know more about Mr. Fauntleroy's seaside residence than a journal published in Brighton. About two years later the *Gazette* has much to say about the beautiful Maria Forbes (*alias* Fox, *alias* Forrest, *alias* Rose), who had lived under the banker's protection, when Mr. Barrow, her next-door neighbour on the New Stein, accused her of keeping a brothel, and she was called upon to meet the charge at the Lewes Assizes. Although the advocacy of John Adolphus obtained a verdict of not guilty, there appear to have been some grounds for the persecution (*vide* the *Brighton Gazette*, 5th April, 1827; also 14th and 21st September, 1826).

The "Ramblers' Magazine or Frolicsome Companion."

Printed and published by William Dugdale, 23 Russell Court, Drury Lane; 1st April, 1827, pp. 180-182 (*vide* Trial of Maria Forbes). The learned "Pisanus Fruxi"—H. S. Ashbee[1]—whose knowledge of this class of literature is unrivalled, gives no description of this particular publication. It may be a plagiarism of a magazine of about the same date, and bearing an almost similar title (which it appears to resemble), noticed in "Catena Librorum Tacendorum," p. 327. Periodicals of this name are almost as numerous, between the years 1782-1829, as the "Newgate Calendars." The *Rambler's Magazine* makes two things evident: first, that Fauntleroy's *chère amie* was an attractive woman; and, secondly, that Mr. Barrow had much cause for complaint.

The "Gentleman's Magazine."

In the December number there is a trenchant letter from the Earl of Normanton,[2] condemning the criminal code. "Philosophy would deem it an abuse," says he, "to punish the crime of Fauntleroy in the same manner as the crime of a Thurtell." For the obituary notice of William Moore Fauntleroy, elder brother of the forger, see *Gentleman's Magazine*, part II., p. 1092 (1803).

[1] Henry Spencer Ashbee (1834-1900). Dic. Nat. Biog.
[2] Welbore Ellis, 2nd Earl of Normanton (1778-1868).

APPENDIX III.

Bibliography.

(1) Pierce Egan's "Account of the Trial of Mr. Fauntleroy," Knight & Lacey (1824).

(2) "An Account of the Trial, Execution, and Dying Behaviour of Henry Fauntleroy," J. Catnach (1824).

(3) "An Account of the Trial, Execution, and Dying Behaviour of Henry Fauntleroy," Pitts (1824).

(4) "The Dirge of Fauntleroy," by James Usher (Plummer & Brewis), 1824.

(5) "Blood for Gold, or Death for Forgery proved to be inexpedient, unjust, unscriptural. Suggested by the recent execution of Mr. Fauntleroy," Spalding & Co., 147 Drury Lane (1824).

(6) Catalogue of the entire and very valuable library of the late Henry Fauntleroy, Esq., . . . which will be sold by auction by Mr. Sotheby (1825).

(7) "Life of Mary Kent, *alias* Mrs. Bertram, well known in Fashionable Circles as Mother Bang," Duncombe (1831), pp. 3-5, 22.

(8) "Recollections of the last Half-Century," Rev. John Richardson (1856), II., 12, 44-57.

(9) "Drafts of My Memory," Lord William Pitt Lennox (1866), II., 265-269.

(10) "Recollections of John Adolphus," by his daughter, Emily Adolphus (1871), p. 151.

(11) "Some Experiences of a Barrister's Life," by Serjeant Ballantine (1882), I., 308-309.

(12) "The Anatomy of Sleep," Edward Binns (Churchill), 1842, p. 282.

(13) *Notes and Queries*, 1 S., VIII., 270: IX., 454; X., 114, 233; 2 S., IV., 227; 8 S., X., 173, 246; XI., 231; 12 S., II., 367, 458, 476; XI., 67, 135, 196.

(14) *Gentleman's Mag.* (1824), II., 461, 580; (1829), I., 282; (1840), I., 325-326.

(15) Dictionary of National Biography (see under Henry Fauntleroy and William Wadd).

(16) "Chronicles of Newgate," Major Arthur Griffiths, II., 245, 254, 294-230.

(17) "Mysteries of Police and Crime," Major Arthur Griffiths, I., 77: II., 378-479.

(18) "The Old Bailey and Newgate," Charles Gordon, pp. 283-286.

(19) "The Newgate Calendar," Knapp & Baldwin, 4 vols. (1824-1828); vol. IV., 385-390.

(20) "Celebrated Trials," Knight & Lacey (1825), vol. VI., 555-576.

(21) "The Chronicles of Crime," Camden Pelham (T. Miles), 1887, vol. II., 93-98.

(22) "The Invisible Avenger or Guilt's Fatal Career," G. Vicars (1850), pp. 234-242.

(23) "The Romance of Crime" (148 Fleet Street).

(24) "Remarkable Trials," Benson.

(25) "Old Stories Retold," Walter Thornbury, p. 290.

(26) "Some Distinguished Victims of the Scaffold," Horace Bleackley, pp. 178-226.

(27) "London, Past and Present," Wheatley & Cunningham, I., 134, 170; II., 611.

(28) "Old and New London," Walter Thornbury, I., 459-460; II., 455; V., 181.

(29) "The History of the Catnach Press," Charles Hindly, p. 73.

(30) "The Squares of London," E. Beresford Chancellor, 278.

(31) "Handbook to Sandgate" (1911), p. 6.

(32) "History of Dorset," J. Hutchins, IV., 180-181.

(33) College of Arms. The Fauntleroy Pedigree.

(34) "Handbook of London Bankers," F. G. Hilton Price, p. 92.

(35) "A Bibliography of the Bank of England," T. A. Stephens (1897), p. 62.

(36) "History of the Bank of England," John Francis, I., 339.

(37) "The Bank of England's Case under Marsh & Co.'s Commission," by a Solicitor (Lupton Relfe, 113 Cornhill), 1825.

(38) "The Bank of England's Claim . . . in reply to Mr. Wilkinson's Report upon the Facts," Lupton Relfe (1825).

(39) "Rees Price *v.* Marsh, Stracey, Fauntleroy and Graham" (1824).

(40) Ryan & Moody's Law Reports from 1823-26. "Stone and Anor. *v.* Marsh, Stracey and Graham," p. 364.

(41) Reports of Cases determined at Nisi Prius from 1823-27, by Edward Ryan and William Moody, "Hume and Anor. *v.* Bolland and Ors.," p. 371.

(42) Cases in Bankruptcy from 1821-28, by Thomas Glyn and Robert Jameson, "Governor and Company of the Bank of England in the matter of Marsh, Stracey, Graham and Fauntleroy," vol. II., pp. 363-368, 446.

(43) The Report of the Committee of Secrecy on the Bank of England's Charter (1832). *Vide* evidence of John Horsley Palmer Governor), p. 9, and Appendix, p. 55.

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(44) Returns as to Bankruptcies previous to the Act of Parliament 1831 (1839), vol. XLIII., p. 96.

(45) Files of the High Court of Justice in Bankruptcy, Bankruptcy Buildings, Carey Street, W.C.2.

(46) Public Record Office; Close Rolls; 26th October, 1824, 2nd February, 1826.

(47) Public Record Office; Bankruptcy Order Book, No. 168.

(48) The following newspapers give details of Marsh, Stracey & Co.'s Bankruptcy:—

(α) *British Press*, 20th and 29th September; 6th October; 13th, 15th, 17th, 22nd, 23rd and 30th November; 10th, 13th, 17th, 20th and 28th December, 1824; 17th, 19th and 20th January; 2nd February; 1st and 19th March; 11th April; 25th July; 31st August, 1825.

(β) *Times*, *Morning Post and Morning Chronicle*, 24th December, 1833; 10th and 11th September, 1835; *John Bull*, 20th September, 1835.

(γ) *The Weekly Dispatch*, 17th September, 1837; The *Times*, 7th October, 1837.

APPENDIX IV.

Other Famous Forgeries.

(1) John Ayliffe, - - - - - - - - 1759
(2) John Rice, - - - - - - - - - 1763
(3) Daniel and Robert Perreau, - - - - - 1776
(4) Dr. William Dodd, - - - - - - - 1777
(5) William Wynne Ryland, - - - - - - 1783
(6) Henry Weston, - - - - - - - - 1796
(7) Henry Cock, - - - - - - - - 1802
(8) John Hadfield, - - - - - - - - 1803
(9) Joseph Blackburn, - - - - - - - 1815
(10) Some famous forgeries from the execution of Henry Fauntleroy in 1824 to abolition of the death penalty in 1837.

(1) John Ayliffe (1759).

The great public interest that was aroused by the case of John Ayliffe was not excited by the personality of the criminal nor by the character of his crime, but because it was thought to reflect discredit upon one of the most unpopular politicians of the day.

Ayliffe claimed to be of the same stock as the Ayliffes of Grittenham, in Wiltshire—a family of some account in the sixteenth and seventeenth centuries, descended from a famous London chirurgeon in the time of Henry VIII.—but his was an illegitimate branch or had sunk somehow in the social scale, for during his boyhood his father was an upper servant in the employ of Gerrard Smith, a gentleman of large fortune, and a justice of the peace of the county, who lived near the neighbouring village of Tockenham. The mother is said to have been Mr. Smith's housekeeper. John, who was born in 1723, was educated at Harrow-on-the-Hill, where he became a good Latin and Greek scholar. On leaving school he was engaged as usher at a small school at Lyneham, a hamlet close to Tockenham and Grittenham.

The Wiltshire properties of the Ayliffes had now passed away to Mrs. Susannah Strangways Horner, the cousin of Judith Ayliffe, *née* Strangways, who was the widow and heiress

An Account of the Trial, Execution, and Dying Behaviour of

Henry Fauntleroy, Esq.

WHO WAS

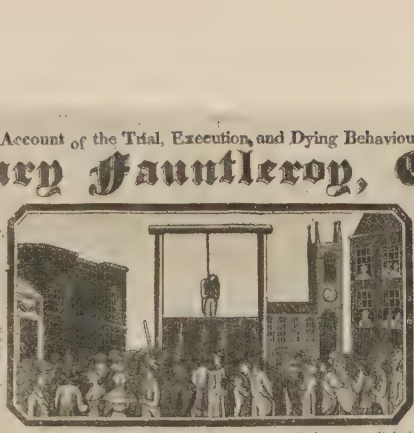
EXECUTED

This Morning, at Newgate,

FOR

FORGERY.

Printed by J. Catnach.



The Lamentations of a Sinner.

Call me not to a strict account
How I have lived here
For thou I know right well, O
Lord,
Most vile I shall appear.
I need not to mention my life,
For surely thou canst tell,
What I have been, and what
I am,
Thou knowest very well
Wherefore with tears I come to
To beg and to entreat thee,
Pardon a sinful thief, dear God
And forever to be kind
O Lord, I need not to repeat,
What I do beg or crave
For thou dost know better than
The thing that I would have
Mercy, good Lord, mercy I ask,
This is the word now
For mercy, Lord, is all my end
O let thy mercy come

[illegible] FRIDAY was hung upon [illegible]

[illegible] in contained, [illegible] the majesty of countenance, good [illegible] [illegible] [illegible]

of George Ayliffe, the last of his line.[1] Mrs. Strangways Horner, the wife of a Somersetshire squire, was a clever but eccentric woman. She had little in common with her husband, who, being devoted to country sports, disapproved of her fondness for the pleasures of town, but she had inherited vast possessions from her father and could afford to indulge her whims. Foreign travel was one of her great passions, and she spent many winters abroad. On several of these expeditions her *compagnon de voyage* was Henry Fox, then a young man in the early twenties, for she cared nothing for the opinion of the world, and all through her life was eager for the society of young men. Naturally, the world formed the worst opinion of her conduct, since she was a handsome woman on the sunny side of forty, while Fox was a good-looking youth, already credited with many gallantries. They met first in the year 1728, and henceforth remained the closest friends.[2]

After the death of her husband in 1741, Mrs. Horner seems to have become more reconciled to country life, and took up her abode at her ancestral home at Melbury, in South Dorsetshire. She was now fifty-two years of age, still as capricious and as masterful as ever, but lavish and good-natured towards those who pleased her fancy. She was lonely also, for her only daughter was married to Stephen Fox,[3] Henry's elder brother; while Henry himself was a member of Parliament, too much engrossed in politics to give her as much of his company as formerly.

About this period John Ayliffe, the young schoolmaster of Lyneham, caught her fancy. The fact that Judith Ayliffe, her cousin and benefactress, had been the wife of his kinsman, no doubt influenced her in his favour, but his good looks and pleasant manners were more powerful credentials. She was still vain enough to wish to have a young man in her train, and very soon Ayliffe was installed in the position of favourite, left vacant by Henry Fox. Her complacence

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[1] "Aubrey's Wiltshire," edited by J. E. Jackson, pp. 209, 275.

[2] "Henry Fox, First Lord Holland," by the Earl of Ilchester, I., 31, 32, 33, 34, 39, 44, 45, 46.

[3] The amazing mother had arranged the wedding without her husband's knowledge or consent in 1736, when her daughter was only thirteen years of age. Mr. Horner, however, would not allow the child-wife to live with her husband until three years later. Stephen Fox became the first Earl of Ilchester.

towards the young usher continued after his clandestine marriage with the daughter of a local clergyman; and in 1746 when he had dissipated his wife's small fortune of £500 and had fallen so deeply into debt that he was in danger of imprisonment, she came to his rescue. She offered him the stewardship of her Wiltshire properties, Foxley, Grittenham, and the rest, which he accepted eagerly, and so escaped from the clutches of his creditors, and from the drudgery of teaching in a small school.

After this piece of good fortune, he went to reside at Blandford, in Dorsetshire—which is said to have been his birthplace[1]—a small town about twenty miles distant from the seat of his patroness at Melbury. He was now twenty-three years old, the same age as Henry Fox when he had first won Mrs. Horner's regard, and for several years she treated him almost as indulgently as her first favourite. As time went on the friendship between the two caused much unfavourable gossip, and, at a later date, gave rise to grievous scandal.

Always an ostentatious and prodigal person, Ayliffe began to spend much more than he could afford. Having purchased "an elegant house" in Blandford, he furnished it "in a style far too expensive for his rank in life." He accumulated pictures and *objets d'art*, and speculated in the buying and selling of landed estates. Although a commissary of the musters was procured for him by Henry Fox at Mrs. Horner's request,[2] which entitled him to the rank of esquire, and provided him with an additional income, he was soon deep in debt once again. He made enemies in the county and neglected his business.

In the end he was unlucky enough to offend his wayward patroness, or she realised at last that her connection with him was harmful to her reputation. At all events, she grew tired of him with wonted caprice, and in December, 1753, dismissed him from her service. Being now sixty-four years of age, she had not the same zest as formerly for the attentions of a

[1] The church registers were destroyed in a fire, so the statement cannot be corroborated.

[2] John Ayliffe, Esq., was appointed deputy commissary muster master in September, 1750. *Gentleman's Mag.* (1750), p. 429.

young man. Still, she did not treat him ungenerously, making him an allowance of £30 a year, which she promised to secure to him after her death under a beneficial lease.

On 11th February, 1758, she died, leaving the Ayliffe estates in Wiltshire—which John Ayliffe believed should have descended to him by rights—to her old favourite, Henry Fox. Nothing was bequeathed to her former steward. Since leaving her employ, he had earned a precarious livelihood as an estate agent on commission, being employed occasionally by John Calcraft, a henchman of Henry Fox, and the deputy commissary general of musters. But as he was incapable of economy, he was always on the brink of bankruptcy.

Aware of his embarrassments, Fox was kind enough to help him. In order to carry out Mrs. Horner's intentions, he granted Ayliffe a lease for three lives of a farm in Wiltshire, called Rusley Park, at a rental of £35 a year, which property, as its rental value was over £60, would leave an annual surplus of £30. Ayliffe professed gratitude, but in his heart of hearts he felt deep resentment that a stranger should have inherited the lands of his forefathers. Fox, however, seems to have taken a liking for the estate agent, re-installing him in his position of steward of the Wiltshire properties, and treating him as a familiar friend.

At the end of twelve months, John Ayliffe was face to face with ruin once more. Several of his speculations had been disastrous, and he had sunk more deeply into debt. On 13th April, 1759, in order to procure money, he was obliged to raise a mortgage upon the lease of Rusley Park, one William Clewer advancing the sum of £1700. When the title-deeds were handed over Ayliffe tried to swear the mortgagee and his lawyer to secrecy on the plea that the transaction would offend Mr. Fox should it become known to him. According to the indenture the rent reserved was not £35 but only £5. It was a forgery!

The money, too, proved insufficient to placate Ayliffe's creditors. In May he was arrested for debts amounting to £1100, and was imprisoned in the Fleet, an event which precipitated his ruin. Hearing of his arrest, Mr. Clewer became anxious with regard to the interest of his mortgage, and sought an interview with Fox to ascertain the value of the property. The discovery that the lease had been tampered

with was followed by the detection of other forgeries. Not only had Ayliffe raised a second mortgage on the same estate, but he had also defrauded a Wiltshire clergyman by counterfeiting a grant of presentation to the living of Brinkworth. Moreover, while in the Fleet, he had produced a deed of gift, purporting to have been signed by the late Mrs. Horner in her lifetime, bestowing upon him an annuity of £420, and a sum of £3000. Convinced by such evidence that his steward was an unmitigated rascal, Fox consented to his prosecution. Before long he must have regretted most bitterly that he had allowed the matter to become public.

A true bill was found against Ayliffe on 17th September, and he was brought up for trial at the Sessions House before Lord Chief Justice Mansfield, on Thursday, 25th October, 1759. Alexander Wedderburn, afterwards Lord Chancellor Loughborough, Richard Aston,[1] who became a judge of the King's Bench, and William Davy,[2] serjeant-at-law, a rough Old Bailey practitioner, appeared for the Crown; while the prisoner was defended by Serjeant Thomas Hayward, M.P., and Messrs. Stow and Lane, barristers of small repute. He was indicted for "having made, forged, and counterfeited a certain deed with the name of H. Fox subscribed, purporting to be a lease from the Right Hon. Henry Fox. His guilt was evident beyond all doubt. The lease given to William Clewer, which declared the rental of the property to be £5 instead of £35, in order that a larger sum could be raised on mortgage, was proved to be in Ayliffe's handwriting, as were the signatures of Henry Fox and the attesting witnesses. He did not deny the fact, but protested that he had made the copy in good faith, having mislaid the original, and that the alteration of the figures was an oversight. The jury found a verdict of guilty, and on the next day he was sentenced to death by Sir William Moreton, the recorder, who told him that his monstrous ingratitude to his benefactor "rendered the very sight of him shocking to the Court."

Two days later he wrote a piteous letter to Fox from the Press Yard in Newgate, entreating his pardon and imploring

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[1] Aston had been one of the counsel for Mary Blandy in 1752. He was the judge who tried the brothers Perreau in 1775.

[2] William Davy (d. 1780). Dict. Nat. Biog.

him to intercede for his life. Fox, who now held the lucrative office of paymaster-general under Newcastle's government, and who, unlike the unfortunate William Clewer, had suffered no monetary loss through the forgery, seems to have been the means of obtaining a respite of a week.[1] He also secured the best room in the gaol for the condemned man, sent a physician when he was ill, and provided special food for him. But he made no great effort to obtain a pardon. According to the testimony of Miss Bellamy, the *chère amie* of Fox's myrmidon, John Calcraft, he was obliged to let the law take its course owing to the conduct of the prisoner.[2] For Ayliffe, so the lady declares, forwarded a petition to Pitt, casting grave aspersions on Fox's integrity, which made it impossible for the paymaster to intercede for him, since had he done so it would have been imagined that he was "in the villain's power."[3]

Meanwhile, the wretched man, who had regarded the mortgage of his farm apparently as a temporary expedient, which he would have been able to adjust before it brought him into trouble, was overwhelmed with grief and dismay. For many days he was seriously ill, unable to leave his bed. From the first he seems to have been a churlish and fretful prisoner, falling into disfavour with the Rev. Stephen Roe, the Ordinary, because of his neglect of "spiritual exercises." and his persistency in trying to obtain a reprieve. During the last night he was in an agony of fear, "calling for his wife, ranting, raving, and talking out of the window, more like one out of his senses than in his right mind." He was consumed by a raging thirst and drank many pints of cold water.

In the morning, however, he was composed, attending chapel to receive communion and being engaged in prayer until half-past nine, when he was summoned by the Sheriff to "have his irons knocked off." During the two-mile

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[1] Ayliffe was to have been hanged on Monday, 12th November, but the execution was postponed until the 19th. *London Evening Post*, 10th-13th November, 1759.

[2] "An Apology for the Life of George Anne Bellamy," III., 99, 100; IV., 84.

[3] This petition is given at length in Thomas Bonnell's pamphlet, "The Case of the Orphan and Creditors of John Ayliffe" (1761).

journey in the cart from Newgate to Tyburn he was calm and resigned, "sometimes reading and sometimes meditating." At the gallows[1] after the rope had been placed around his neck, there was a cry of "Reprieve" amongst the crowd, but he remained unmoved by the clamour, praying fervently all the time. Just before he was turned off he bade farewell to Mr. Fannen, agent to Henry Fox, to whom he observed—"I am extremely sorry I offended Mr. Fox, so far as to make him bring me to this sad end." When the cart was drawn from beneath his feet the knot slipped from beneath his ear, "so that he hung a considerable time longer than usual before being cut down." According to the newspapers he was buried at Redbourn, in Hertfordshire.[2]

Soon after his death a great clamour broke out, which continued intermittently for many years. Fox had become one of the best-hated of politicians, owing to his association with Lord Bute, and because his retention of the lucrative office of paymaster under two Ministries had aroused the worst suspicions. "The public defaulter of unaccounted millions," was the verdict of the city, and in a little while the Wilkes party, which had a special grudge against him, charged him with having compassed the death of Ayliffe because the steward was privy to many guilty secrets. Three motives were assigned by Fox's enemies for this malignity—

(1) He feared that Ayliffe would betray his numerous peculations while in office;

(2) He wished to avoid the payment of Mrs. Strangways Horner's deed of gift to Ayliffe, *i.e.*, £3000 in cash and an annuity of £420; and

(3) He was anxious for revenge because Ayliffe had betrayed the fact that they both had been Mrs. Horner's lovers.

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[1] Ayliffe was hanged on the "new moving gallows," substituted during this year for the old "triple tree." *Vide* "Tyburn Tree," Alfred Marks, pp. 69-70; *Gentleman's Mag.* (1759), 493; *London Chronicle*, 22nd-25th September, 1759. The executioner was Edward Turlis, who succeeded John Thrift as hangman for the City of London and County of Middlesex in May, 1752. Turlis died in April, 1771, after holding office for nineteen years. *Notes and Queries*, 10 S., VIII., 244; 11 S., I., 265. There are references to him in the *London Chronicle*, 15th-18th January, 1763, and the *Public Advertiser*, 20th April, 1768, and 6th March, 1769.

[2] There is no record of the burial in the parish registers.

None of these reasons will bear examination. In the first place Ayliffe had no knowledge of the paymaster's department. Secondly, the deed of gift (if not one of Ayliffe's forgeries) was charged upon the Dorsetshire estates which had descended to Lord and Lady Ilchester, and so, had it proved genuine, would have entailed no loss to Henry Fox. Lastly, the scandal was an old one, and had not been promulgated by Ayliffe until after he was condemned to death. Fox, however, who was generous usually to his dependants, does not appear to have shown much generosity in this particular instance. Considering that he, a stranger, had inherited the Ayliffe estates (which had a rent-roll of nearly £2000 a year), it is surprising that he did not make a greater effort to save one of the family from the gallows, especially as the unfortunate man had been led into crime through disappointment of the inheritance.

Fox suffered grievously for his prosecution of the unjust steward, since during the rest of his life his enemies would never let the matter rest. Lampoons of all kinds continued to appear in the daily press and in the bookshops. A large portion of the public believed that the politician had sacrificed his servant on the principle that dead men tell no tales. One of Charles Churchill's most bitter satires, entitled "Ayliffe's Ghost, or the Fox stinks worse than ever," the publication of which was prevented by the poet's death, was printed at last in the *Gentleman's Magazine* of October, 1770.[1] The people took the part of the steward, not because they had any doubts of his guilt, but because they were convinced that his master was far more guilty than he.

Sarah Ayliffe, the wife of the forger, remarried in due course. On 24th September, 1770, the following advertisement appeared in the *Public Advertiser*:—

"The widow of John Ayliffe, Esquire, whose unfortunate end needs no repetition, but now the wife of Thomas Morris, of Hackney, wheelwright, most humbly implores the assistance of the Rich and Opulent, being now confined in the

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[1] Churchill also refers to the Ayliffe case in the "Epistle to William Hogarth," lines 139-140, and in "The Duellist," lines 66, 143. *Cf. Westminster Mag.*, II., 145, and "Catalogue of Satirical Prints" (British Museum), IV., 262, 347.

Gate-house by virtue of an execution from the Court of Requests . . . her husband does not afford her the least subsistence."

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(2) John Rice (1763).

The case of John Rice is remarkable because of his extradition from France after he had succeeded in escaping from England, a piece of ill-luck that did not often befall the eighteenth-century criminal. Rice, like Fauntleroy, stole Government stock by forging powers of attorney.

The son of an upper-clerk in the South Sea House, who had dealings also as a broker in Exchange Alley, he was born in Spital Square, Spitalfields, about the year 1732. His father died when he was twenty-three years of age, leaving him a considerable fortune as well as an excellent stockbroker's business which yielded him in all an income of between twelve and fifteen hundred pounds. Soon afterwards he married, his wife, whose maiden name is not recorded, being described as "young and pretty,"[1] and since his affairs continued to prosper, he removed to a more "elegant house" in New John Street, off the King's Road, opposite to Gray's Inn Gardens. He was rich enough to afford a coach, a chariot, and a post-chaise, as well as several "livery servants." He had also a country villa at Finchley.

His prosperity, however, did not last long. Towards the close of the Seven Years' War, in the summer of 1761, he lost several thousand pounds owing to the failure of some of his clients to fulfil their bargains, and, in order to recoup himself, he began to speculate. It was a period when prices fluctuated widely from day to day, while the destinies of war and peace were hanging in the balance, and Rice met with no success in his operations. Soon his capital was exhausted, and bankruptcy seemed inevitable.

But, like Henry Fauntleroy, he chose to risk his life rather than face financial ruin. Having been entrusted by many of his clients with the collection of their dividends, it was an easy matter for him to forge powers of attorney for the sale of their stocks, and in this manner he began to embezzle large sums, which he used in further speculations,

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[1] "Memoirs of Casanova," Garnier, VI., 372.

hoping that his ill-luck would change. He paid the interest on the stolen investments as it became due, and managed to replace the capital whenever necessary. Still, his losses increased until at the end of two years he had dissipated nearly £50,000.

In the middle of December, 1762, it happened that a Yorkshire lady, named Mrs. Anne Pearce, whose holding of various stocks to the value of £19,000 he had appropriated a few weeks previously, came up to London unexpectedly to receive her dividends in person. Such a contingency had not entered into Rice's calculations, and, as he could not replace the stolen securities at such a short notice, he was obliged to abscond. Paying his household bills and discharging his servants, he posted to Harwich, whence he took ship for Holland. A few hours' delay would have led to his capture, as the officials of the South Sea House were already on his trail. Indeed, it was rumoured that they arrived at the port the same afternoon that he sailed.

In a day or two the affair was announced by the newspapers in the usual cryptic fashion of the day.

"A lame duck has limped out of the alley, one of whom it is said has made shift to swim from Dover to Calais. It is reported that he has forged power of attorney in the name of a lady for £19,000 Old South Sea Annuities, £4000 Bank reduced, £2500 Four per cent."[1]

For a couple of weeks Rice's destination was unknown to the authorities. In the meantime his wife had been captured with £4700 in bank notes "sewn up in her stays," and his lawyer also was arrested on suspicion of conniving at the escape. Presently a letter from the fugitive was intercepted, from which it was ascertained that he had taken refuge at Cambrai, in French Flanders. It gave instructions to Mrs. Rice to join him as soon as possible. The Bank of England and the South Sea Company at once solicited Lord Egremont, Secretary of State for the Southern Department, to apply for

[1] *Gazetteer*, 30th and 31st December, 1762; 1st and 4th January, 1763; *Gentleman's Mag.* (1763), 208. Rice took to flight on 23rd December, 1762. "Ordinary of Newgate's Account," p. 29.

the surrender of the criminal, and a despatch was sent to the Duke of Bedford, the British Ambassador in Paris, requesting him to make overtures to the French Government.[1]

Unfortunately for himself, Rice had entrusted to his wife nearly all the money that he had been able to put his hands upon, believing that she would have no difficulty in following him to the Continent. It was only by chance, indeed, that she was unsuccessful. The vessel in which she sailed to Holland had been driven back to the English coast by contrary winds, and while awaiting another ship she had been apprehended. Thus the forger, who possessed only £400, dared not pursue his flight any further for lack of funds.

The toils soon closed around him. Contrary to the expectations of the Duke of Bedford, the Court of France proved wonderfully amenable. In reply to his request he received a courteous letter from the Duc de Praslin, the Foreign Secretary, on the 11th of January, promising to have Rice arrested and put in prison until authorised persons should arrive to conduct him back to London. The complacency of the French Government was due to the fact that the provisions of a treaty of peace were being arranged between the two countries, and France was willing to oblige England in a small matter in the hope of securing certain concessions in return.[2]

On 21st January, 1763, Rice was apprehended at the Maison Rouge, in Cambrai, where he had been staying under the name of James Rogers, and was brought before M. de Blair, the Intendant of Flanders, who consigned him to the local prison. There were difficulties, however, in arranging for his surrender to the British authorities. The Crown lawyers in England did not approve altogether of his extradition. Both Charles Yorke and Fletcher Norton, the Attorney and Solicitor-General, seem to have been afraid that it would establish an awkward precedent, whereby the French king might seek in future to lay hands upon political refugees

[1] *Gazetteer*, 19th January, 1763; *Lloyd's Evening Post*, 18th and 20th January, 1763.

[2] Foreign Office Papers, No. 256; Public Record Office

who had taken shelter in Great Britain.[1] Moreover, Ministers of each nation were agreed that the point of reciprocity ought to have been settled previously either by treaty or by Act of Parliament.[2]

There were difficulties, too, with the people of Cambrai. When their city was assigned to France in 1678, all their ancient privileges had been retained, and the right of granting an asylum to fugitives from justice was regarded as one of them. In this particular case, since it was believed that Mr. Rice was in possession of a great sum of money stolen from the Bank of England, the thrifty Flemings considered that he was a most desirable visitor. Consequently, the archbishop, the judges, and the officers of police sent a remonstrance to the King of France, imploring him not to surrender the prisoner.

In spite of every obstacle, the Bank of England was determined that the malefactor should pay the penalty of his crime. Never in its history had it suffered so great a loss at the hands of a thief. Never before had there been such an audacious embezzlement of Government stocks. Every magnate in the city demanded that justice should be done upon the body of John Rice, lest others, seeing that forgery could be committed with impunity, might follow his example. So the bank brought all its great influence to bear upon the Secretary of State for the Southern Department, who in turn directed insistent letters to the Duke of Bedford in Paris, begging him to obtain permission to bring the fraudulent broker back to England.

Finally, the French Government consented. It was negotiating for the restoration of its possessions in the West Indies, captured during the late war, and was not disposed to offend its victorious neighbour by emphasising nice points of

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[1] In the Report of the Attorney and Solicitor-General in the case of John Rice, 1763 (*vide* Calendar of Home Office Papers, Public Record Office, I., 264), it is stated. . . . "The French Court promised to give him up on condition of reciprocity. They (*i.e.*, the law officers) are of opinion that His Majesty cannot promise this reciprocity, not having power by law to cause persons to be apprehended at the instance of foreign powers for crimes supposed to have been committed in other countries."

[2] Foreign Office Papers, No. 256; Bedford Correspondence, III., 201; *cf. Gazetteer*, 9th February, 1763.

honour in international politics. So the English Ambassador was allowed to have his way, and two king's messengers, together with some clerks from the South Sea House and the Bank of England, set out for Cambrai to conduct Rice to his native land.

He landed at Dover on the morning of 16th March, and was placed in post-chaise immediately *en route* for London. Whenever a halt was made on the journey great crowds struggled for a sight of the notorious criminal. Halting at Sittingbourne overnight, the party reached the metropolis on the next day, when, about two o'clock in the afternoon, he was brought before the Lord Mayor at the Mansion House. The reporters have chronicled the fact that he was dressed in a blue coat, a bag wig, and a gold-laced hat.

After an examination of two days, during which he answered all questions without reluctance or evasion, acknowledging that he had squandered nearly £50,000 in speculation and prodigality, he was committed to the Poultry Compter in Wood Street. As a special favour, owing to the candour of his confession, he was allowed to remain in this prison instead of being taken to Newgate, until the morning of his trial. His wife, too, was permitted to remain with him, the Lord Mayor stipulating merely that "she should not go out when she once got in."

He was tried at the Old Bailey Session House on Wednesday, 15th April, before Lord Chief Justice Mansfield. None of the reports gives the names of the counsel for the prosecution, and no one seems to have appeared for the defence. On alighting from the coach that conveyed him from the prison to the Court he was seized with a fainting fit, whereupon he was carried into the Queen's Head "to refresh himself." His appearance when placed at the bar, "dejected and in tears," has been duly recorded. He is described as a young man, about thirty years of age, of middle height, with a complexion naturally fair but "now sallowed by grief," and hair, gathered behind in a bag, "of a high nut-brown colour, inclined to be sandy." He was dressed in a suit of light grey trimmed with black.

The evidence against him was clear and conclusive. Indeed his sole defence was that the Archbishop of Cambrai had

promised him protection if he would change his religion.[1] Only one verdict was possible. Upon hearing the decision he implored the judge to intercede for him; but Lord Mansfield told him with great compassion "that considering his crime and its consequences in a nation where so much paper is substituted for money, he should think himself bound in conscience and in duty to tell His Majesty that he was not a proper object of his mercy."

Later in the day he was sentenced to death by the recorder and committed to Newgate.

In consequence of his former position in life, he was "indulged" with a private room, and proved a most exemplary prisoner. Even the Rev. Stephen Roe, the autocratic Ordinary, who had regarded John Ayliffe with disfavour, felt some compassion for the humble and contrite broker. On the night before his execution he supped with him, an incident that provided a correspondent of George Selwyn with a characteristic anecdote. While visiting Newgate he heard one of the runners call to another that Mr. Rice desired a boiled chicken, "but," added the fellow, "you need not be curious about the sauce, for you know he's to be hanged to-morrow." "True," replied the other, "but the Ordinary sups with him, and he's a hell of a fellow for butter."[2]

On the next morning, Wednesday, 4th May, he met his fate at Tyburn. He had petitioned for a private coach, but this favour was not granted, but he was given a cart to himself and a friend was allowed to accompany him. Two other redoubtable criminals suffered with him—one Hannah Dagoe, an Amazonian Irishwoman, who had been convicted for housebreaking, and Paul Lewis, a gentleman highwayman, who bore himself after the style of Macheath, with song, boasting, nosegay, and brave attire. These two made the journey in the first tumbril.

During the slow progress along the Oxford Road the penitent Rice was occupied in prayer, and "his whole deportment was so much that of the gentleman and the Christian that the numerous spectators were greatly affected." On his arrival at

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[1] Old Bailey Sessions Papers, No. IV. for 1763, pp. 130-133.
[2] "George Selwyn and His Contemporaries," J. H. Jesse, I., 245.

the gallows he stood up in the cart and made three low bows to the crowd, "which seemed to entreat their prayers and their pity." Lewis, too, had lost all his swagger. Addressing the mob in an impassioned speech, he entreated them to take warning from the fate which had befallen him, the son of a clergyman, in consequence of his crimes.

Mrs. Dagoe, however, was rebellious. Paying no heed to the exhortations of her priest, she resisted the hangman,[1] and threw her gloves, bonnet, and cardinal, which should have been his perquisites, to an acquaintance in the crowd. Twice she tore off the cord that bound her wrists, cursing the executioner incessantly, and resisting his efforts to pinion her. At last, when he had tied up her hands with his garters and managed to slip the noose over her neck, she gave him so violent a blow in the breast that almost knocked him out of the cart.

In spite of this unseemly interlude, we are told that the multitude was so affected by the pious conduct of Mr. Rice that there was scarcely a dry eye among them. "Perhaps no man," declares his chronicler, "ever expiated his crimes at the fatal tree more universally lamented."

His young and pretty wife, to whom he had bidden farewell on the previous afternoon, was taken out of town by her friends on the morning of his execution. We are not informed whether she married again nor what became of her. His mother, who lived at Stoke Newington, had been told that her son had died abroad, and when the cryers of dying speeches visited the village after he was hanged, the neighbours gave them money not to cry the speeches near her house. According to a newspaper paragraph, she died on 7th May, 1767.

An incident arising out of the case caused almost as much excitement as the forgery itself. When the dead man's estate was realised under a commission of bankruptcy, his

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[1] Edward Turlis, died April, 1771. The following paragraph appeared in *Lloyd's Evening Post*, 15th and 18th January, 1763: "At the beginning of this session poor Jack Ketch was detected stealing coals, and upon examination he pleaded poverty. . . . He was pardoned and immediately appointed Jack Ketch, or finisher of the law for Surrey, in the room of Jones, who died some months ago." Turlis had been hangman for the City of London and Middlesex since May, 1752. *Cf. Notes and Queries*, 10 S., VIII., 245; 11 S., I., 265.

negro page was sold by the assignees with the rest of his effects; and the whole nation shuddered with horror at the discovery that there was a slave in England.

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(3) The Perreaus (1775-1776).

A dozen or more forged bonds to the amount of several thousand pounds each were involved in this case; while, apart from the magnitude of the crime, its interest was increased by the mystery that was attached to it. It was doubtful whether the real culprit was Daniel Perreau, or Robert Perreau, or Mrs. Rudd, who had been mistress of the former—all England being divided into two rival factions in consequence. The men were of good position, and the lady was a most beautiful woman, which helped to inflame popular excitement.

Daniel and Robert Perreau were born in the island of St. Kitts on 22nd July, 1733, the twin sons of Daniel Perreau, a native of Greenwich, who is said to have been "secretary to the English general of the Windward Islands." He had married Elizabeth Breton or Bretton—a daughter of the attorney-general of St. Kitts and the sister of an archdeacon of Hereford—who, in addition to twins, bore him another son and four daughters. The grandfather, a member of an old Huguenot family, had fled from Rochelle at the revocation of the Edict of Nantes and settled in London.[1]

The two brothers, who were educated in England and established in business by their father, grew up in the likeness of the idle and the industrious apprentice respectively. Robert, the younger by a few minutes, never gave his relatives the least anxiety. Upon being apprenticed to one Tribe, an apothecary of good practice, he soon became skilful in his trade, and at the end of seven years, shortly after he had received his indentures, he set up for himself in Oxenden Street, Piccadilly. On 2nd February, 1758, at the age of twenty-five, he married Henrietta Alice Thomas, the daughter of the Rev. Walter Thomas, who had been rector of the parish of Basseterre, Middle Island, and member of the council of St. Kitts. In a little while he removed to Golden Square, where

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[1] "Registers of St. Kitts," published by Mr. H. V. Oliver; *Public Advertiser*, 29th January, 1776.

he acquired a fashionable connection. He was trusted and respected by all who knew him, and "honest Perreau" became a favourite sobriquet. Amongst his clients were some of the most illustrious in the land.

Daniel, however, proved a ne'er-do-weel from the first. A partnership in a silk business was bought for him by his father, but he ruined it in a few years by his neglect and extravagance; and, having been set up again in the same trade, it was not long before he was declared bankrupt for a second time. After this he was sent abroad, becoming a merchant in the West Indies and subsequently in Canada, but he met with no success owing to his dissolute ways. On the death of his father he returned to England, lived a gay life in London upon the remainder of his fortune, and soon was on the verge of bankruptcy once more. Then he began to speculate wildly at Jonathan's Coffee House in 'Change Alley.

About the year 1770 he became acquainted with the beautiful Mrs. Margaret Caroline Rudd, a creature as profligate as himself, the daughter of an apothecary named Youngson, of Lurgan, in the north of Ireland. Eight years previously, at the age of seventeen, she had married Valentine Rudd,[1] a lieutenant in "a marching regiment of foot," but ran away from her husband with a brother officer, and since then had lived the life of a fashionable courtesan. Among her patrons were some of the highest and the richest of the nobility.

Wanton though she was, she seems to have had a genuine affection for Daniel Perreau. He was a blithe and handsome fellow, always dressed in the smartest macaroni attire, an ideal "flashman" for such as her. They kept house together for many years, passing themselves off as husband and wife, and she bore him three children, though all the time she continued to grant favours to any one who was wealthy enough to make it worth her while. Such an arrangement suited the base Daniel perfectly. He gained a luxurious home, and was provided with ample funds for his enterprises at Jonathan's. He plunged into speculation more deeply than ever, assuring his mistress that he would gain riches beyond the dreams of avarice.

[1] *Gentleman's Mag.* (1809), 581.

In a short time Robert Perreau was tempted to follow his brother's example and try his fortune in 'Change Alley. An ambitious man, in spite of his quiet and laborious habits, he had grown discontented with his lot, and was eager to become rich quickly. He was indulging in much superfluous display, keeping a coach and entertaining lavishly, for his social status as an apothecary was almost equal to that of a physician; and, proud of his ancient lineage, he hoped to reach the fringe, at least, of society. So, in an evil moment, he joined partnership with Daniel and Mrs. Rudd and began to gamble in the funds. Luck, however, was against them from the first. Neither of the brothers had any knowledge of finance, and the information of their advisers was invariably falacious. As early as the year 1771 they lost £1300 by insuring the chances of war with Spain over the Falkland Islands dispute, and other disastrous speculations soon followed. Before long all Robert's savings had vanished and his credit was gone, while Daniel had again become bankrupt. Even the resources of the devoted Mrs. Rudd were exhausted for the time being.

In this desperate predicament the three unhappy mortals entered into an ingenious conspiracy, which, although it jeopardised their lives, seemed to offer a chance of escape from their monetary embarrassments. Among Mrs. Rudd's admirers was a wealthy linen merchant of Soho Square, named James Adair, an elderly married man of good position, the last person in the world who would desire to be involved in a scandal. Being familiar with his signature she contrived to forge his name to a bond for £5000, upon which her accomplices were able to borrow £3700 from a city banker. Encouraged by this success they began to gamble in the funds once more, hoping to gain sufficient to pay off the bond as well as something substantial for themselves.

Having discovered this easy method of raising money the Perreaus repeated their fraud whenever they were in need of funds to continue their stock-jobbing operations. Sometimes they were enriched by a lucky coup at Jonathan's, but more often their buying and selling was fraught with disaster. Thus, forgery was needed to cover forgery. As one bond became due another had to be discounted to provide the means of paying off the first. And

to avert suspicion they forged the name of James Adair's cousin, William Adair, the rich army agent, which would be more likely to inspire confidence in those to whom they presented the paper. A couple of bonds to the value of nearly £8000 were cashed by the bank of Mills in the city. On two others the large sums of £4000 and £5000 were advanced by Sir Thomas Frankland, the admiral. For more than four years the Perreau brothers lived by cheating.

On the morning of Wednesday, 7th March, 1775, Robert walked into the counting-house of Messrs. Drummond, the great bankers of Charing Cross, with an acceptance for £7500 endorsed by William Adair, and requested a loan of £5000. As soon as Henry Drummond set eyes on the bill he had doubts of its genuineness.

"This is not the signature of Mr. William Adair," he observed. "I have seen his drafts many a time."

"Mr. Adair is my particular friend," protested Robert Perreau. "There are family connections between us. . . . Mr. Adair has money of mine in his hands and allows me interest."

"Come to-morrow, Mr. Perreau," replied the cautious banker, "and I will give you an answer."

In a couple of hours, however, the apothecary returned, asserting that he had called in the meantime upon Mr. Adair, who had instructed him to assure the Messrs. Drummond that they might advance the money demanded. The bankers, nevertheless, made an excuse for deferring the payment until the morrow.

On the next day, when Robert Perreau called at the bank, the brothers Drummond suggested that he should accompany them to Mr. Adair's house, to which he assented readily enough, for it was impossible to do otherwise. To the surprise of the two bankers the army agent not only denied all acquaintance with the apothecary, but declared that the signature on the bill was a forgery.

"Surely, sir, you are jocular," exclaimed Robert Perreau, in apparent surprise.

"You must account for this," answered Henry Drummond, indignantly. "How came you by the bond?"

And he threatened to call in a constable.

At last the bewildered Mr. Perreau seemed to realise the gravity of his position, and declared that he had received the bond from his sister-in-law, Mrs. Daniel Perreau, whom he desired should be summoned. Accordingly, a coach was dispatched to Golden Square and Mrs. Rudd returned in it. Grasping the situation in a moment she begged a private interview with Mr. Adair, in order no doubt to tell him something about his kinsman James that might induce him to hush up the matter, but the old gentleman refused her request peremptorily. Then the beautiful woman made a most amazing confession.

"My brother, Mr. Perreau, is innocent," she cried, in an agony of distress. "I gave him the bond. . . . I forged it. For God's sake have mercy on an innocent man. Consider his wife and children. Nobody was meant to be injured. All will be repaid."

In the end the three financiers took pity on her, unable to resist her tears and blandishments. They dismissed the constable, and, promising that there should be no further proceedings in the matter, allowed Robert Perreau to depart with his reputed sister-in-law.

It was a lucky escape, thanks to Mrs. Rudd's wit and loyalty and charm, but the three conspirators were still in the most dire peril, since there were other forged bonds which would be brought home to them sooner or later. Perceiving that there was no alternative but to flee the country they packed their trunks, raised all the money they could, and set off in a coach on the following Saturday afternoon *en route* for Dover. At the last moment, however, Robert Perreau decided upon an act of treachery. Stopping the coach at the corner of Bloomsbury Square on the pretence that he had forgotten something, he made haste to Bow Street, where he laid information against Mrs. Rudd as "a female forger." By being accepted as evidence for the Crown he hoped to save his own skin. He was hoist with his own petard. Messrs. Wright and Addington, the two magistrates, suspecting that something was wrong, committed him to the Bridewell at Tothill Fields. In due course, Daniel and his mistress were both arrested and sent to bear him company.

On 15th March the three prisoners appeared before Sir John Fielding at Bow Street, but the crowd was so great

that the Court adjourned to the Guildhall, Westminster. At the opening of the proceedings Mrs. Rudd's counsel, a smart young barrister named John Bailey, made the suggestion that she should be admitted as a witness for the prosecution; and a witness she was made then and there, being let loose on bail two days later, which led to a very pretty legal causerie. On the other hand, the unhappy brothers were committed to the New Prison, Clerkenwell, on the capital charge of forgery.

The trial of Robert Perreau took place at the Old Bailey on Friday, 1st June, 1775. The President of the Court was Sir Richard Aston of the King's Bench, assisted by Sir John Burland and Sir Beaumont Hotham, two barons of the Exchequer. James Mansfield[1] led for the Crown, while the prisoner was defended by John Dunning,[2] assisted by Lucas, Bearcroft, and Wallace. It is said that John Wilkes, the Lord Mayor, who was on the bench, suggested to the judge that Mrs. Rudd's evidence was unnecessary for a conviction, and that it would be monstrous if she escaped unpunished, as she must do if she was called as a witness. At all events, instead of summoning her into the box, Sir Richard Aston ordered her to be detained in Newgate. The prisoner was indicted for forging a bond for £7500 in the name of William Adair, and also for uttering and publishing the said bond, knowing it to be forged, with intention to defraud Robert and Henry Drummond.

The defence was that Mrs. Rudd had forged every one of his bonds, which she had persuaded Robert Perreau to negotiate by pretending that they had been given to her by William Adair, with whom, so she alleged "with consummate artifice," she had some intimate connection. Yet there was no adequate explanation of her motive in selecting the army agent as the victim of the fraud. The apothecary did not state categorically that she had declared herself to be his daughter, and it would have been too discreditable to assert

[1] Afterwards Sir James Mansfield (1733-1821), Lord Chief Justice of Common Pleas.

[2] John Dunning (1731-1783), afterwards first Baron Ashburton, one of the greatest advocates of his day.

that she had confessed to being his mistress. Nor was there any plausible reason set forth to explain why she had needed such great sums of money, nor how she had spent them. Neither judges nor jury were impressed by the strange story. It seemed preposterous that Robert Perreau had been ignorant, as he professed, of his brother's relationship to the lady who kept house with him, or even if this were so, that an innocent man would obtain cash for a succession of bills, amounting to £70,000, drawn upon the well-known house of Adair, at the bidding of a woman, without making inquiries. It was impossible also to allege a satisfactory motive for the innumerable falsehoods that he had told to the Drummonds. It was obvious, too, that he needed money to repay certain bonds that were falling due, and he had antedated the latest forgery to make it agree with one of his lies to the bankers, for, in the previous January, he had managed to obtain money from them by a similar trick. The employment of a scrivener showed premeditation. In the face of these facts his guilt seemed clear, and the jury required only five minutes' deliberation before they returned a hostile verdict.

At nine o'clock on the following morning, Daniel Perreau was placed at the bar before the same judges. He was charged with forging a bond in the name of William Adair for £3300 to defraud the said William Adair, and for uttering the same, knowing it to be forged, to defraud Thomas Brooke, doctor of physic. Henry Howarth[1] led for the Crown, a barrister of the greatest promise, who, but for his untimely death, might have reached the highest rank in his profession. Knowing that his case was hopeless, the prisoner did not read the elaborate defence that had been prepared for him, substituting a shorter one in which he declared that he was the innocent dupe of Mrs. Rudd in the same way that Robert had been. The verdict was guilty, and at the close of the Sessions on 6th July both brothers were sentenced to death by the recorder. On the same day Mrs. Rudd was told that, as bail could not be granted, she must remain in prison.

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[1] Henry Howarth, M.P. for Abingdon, drowned in the Thames on 11th May, 1783, aged 36. *Gentleman's Mag.* (1783), I., 453; *Morning Herald*, 13th and 14th May, 1783; *Town and Country Mag.*, XII., 121; "History of Radnor," J. Williams.

Hitherto, public sympathy had favoured the Perreaus, but when it was known that she was in gaol and would have to stand her trial it began to veer round to her side. People realised at last that her splendid loyalty to the brothers had been rewarded by the basest treachery on their part. She was most ingenious, too, in her replies to the innumerable attacks that were addressed to the newspapers by the advocates of the condemned men, and "the Narrative of Mrs. Rudd, Written by Herself," which appeared in the *Morning Post* from 1st July onwards, won her many adherents.[1] Popular opinion, moreover, was shocked by several other persecutions. Her clothes and jewellery were stolen by Sir Thomas Frankland, one of Daniel Perreau's creditors, and her children were abducted by a nurse to whom she owed money.

It was thought also that a breach of faith would be committed if she was brought to trial after being allowed by Sir John Fielding to give evidence for the Crown at Bow Street, even though the magistrate might have acted improperly. Consequently, the decision of Lord Mansfield, when she was brought before him at Westminster Hall on 4th July, was considered to be a judicial error. "The woman did not confess that she was an accomplice," contended the Lord Chief Justice, "but an assistant by compulsion, therefore she may be presumed to be innocent, consequently there is no reason why she should not be tried. Only a guilty person can be admitted as a witness for the Crown. . . . Moreover, since she did not disclose *all* she knew she has forfeited indulgence." Such reasoning was regarded by the layman as a legal quibble, and the observations of Justice Gould, when the question was argued before three judges, sitting as a Court of Gaol Delivery on 16th September, were far more in accordance with public opinion. "How can we know," demanded Gould, "that the woman was cognisant of any other forgery than the one to which she has confessed, unless we bring her to trial? And if we bring her to trial we break our word." However, his two colleagues, William Ashurst and Sir Beaumont Hotham,

[1] She alleged that all the bonds had been forged by the Perreaus, except the one presented at Drummond's Bank on the 7th of March, which Daniel Perreau had compelled her to sign by threatening to cut her throat.

did not agree, so it was decided that Mrs. Rudd must go before a jury. Early in November twelve judges assented to this decision.

On Friday, 8th December, she was placed in the dock at the Old Bailey before Sir Richard Aston, Sir John Burland, and the recorder, John Glynn.[1] Henry Howarth, who had a soft heart for a pretty woman, was one of the counsel for the Crown, along with Lucas and Murphy, while the prisoner was defended by the truculent William Davy and Messrs. Davenport and Cowper. She was indicted for forging a bond for £5300, purporting to be signed by William Adair with intent to defraud Sir Thomas Frankland, the irascible old admiral who had run off with her clothes. The long confinement in Newgate had not impaired her health, and she was as beautiful as ever. She wore a black silk gown with a pelonese cloak, lined with white Persian around her shoulders. Above the tall head-dress demanded by fashion, a white gauze cap, ornamented with black snailing, rested lightly upon her powdered curls.

Only for a short time were the spectators in doubt as to the result of the trial. None of the evidence was convincing; each succeeding witness seemed more feeble than the predecessor, and Serjeant Davy tore their evidence into tatters. Mrs. Robert Perreau seemed eager to swear aught that might save the life of her unhappy husband. Admiral Frankland, in the face of his theft of her jewels and petticoats, appeared to have pressed the prosecution out of greed and for the sake of revenge.[2] John Moody, a footman discharged by the prisoner, must have been regarded, very properly, as a barefaced liar. Christian Hart, another old servant with a grudge, could prove nothing concerning the forgery. Although the trial lasted twelve hours, the jury were only absent for thirty minutes before returning their verdict. "Not guilty according to the evidence before us," declared the foreman, while the Sessions House rang with applause. Smiling through her tears Margaret Rudd stepped from the dock, and was driven

[1] John Glynn (1722-1779), the famous counsel of John Wilkes.

[2] For an account of Frankland's behaviour in the case see "Memoirs of William Hickey," I., 335 *et seq.*

away in a coach by her latest admirer, "the wicked" Lord Lyttleton. Her innocence may be open to doubt, but there can be no question that both the Perreaus were guilty.

Her acquittal decided the fate of the twin brothers, and, in spite of the efforts of influential friends, they were hanged at Tyburn on Wednesday, 17th January, 1776. There was a keen frost, and the snow lay thick upon the ground. The procession set out from Newgate about nine o'clock, headed by the two City Marshals on horseback with their staves of office, accompanied by the Under-Sheriff, with a party of officers and constables. Next came the two Sheriffs, Messrs. Hayley[1] and Newnham, in the latter's coach, with their white wands. An open cart followed, which was covered with black baize and contained three convicts—George Lee, a handsome boy highwayman in a crimson coat and gold-laced hat, and two dishevelled Jews named Saunder Alexander and Lyon Abrahams, condemned for housebreaking. Two miserable wretches, named Richard Baker and John Radcliffe, who had been convicted for coining, were drawn along on a hurdle afterwards. And last, there was a mourning coach, a special privilege, in which sat the unfortunate brothers.

The cortege reached Tyburn at 10.30, where the gallows on this occasion was a double one. The two Jews, attended by their Rabbi, were drawn under that on the left-hand side, after which George Lee was taken out and put into another cart, beneath the right-hand cross-beam, with the two coiners, for it was not thought fit that Hebrew and Christian should hang from the same "tree." While these five poor wretches were being tied up, Robert Perreau looked from the mourning coach with great composure. Then Jack Ketch[2] opened the coach door, and the two brothers got out with books in their hands, and ascended the same cart as Lee and the coiners, where they all joined with Villette, the Ordinary,[3] in earnest prayer. Each gave a paper to the clergyman, and conversed with him for about ten minutes, Daniel meanwhile placing

[1] George Hayley, brother-in-law of John Wilkes, died 30th August, 1781.

[2] Edward Dennis, died 21st November, 1786. He was condemned to death, but pardoned, for his share in the Gordon Riots.

[3] Rev. John Villette, Ordinary of Newgate (1773-1799), died 26th April, 1799. *Gentleman's Mag.* (1799), I., 358.

his hand over his heart, and, raising his eyes to heaven, protested his innocence. Robert did the same, and having given the hangman and his deputy the usual present, he turned and kissed his brother. The caps were drawn over their eyes, and they linked hands, which being a signal, the carts were drawn away, and the seven miserable men were left hanging in the air. For a full half-minute the fingers of the two Perreaus remained clasped together, and then fell apart as they passed into oblivion beside their dying companions. It is recorded that the mob behaved with "the most inhuman indecency" throughout, laughing, shouting, and throwing snowballs at each other.

After being cut down the bodies of the two brothers were carried in a hearse to Robert Perreau's house in Golden Square. Four days later, on Sunday, 21st January, they were buried together in the vault within the church of St. Martins-in-the-Fields in the presence of an enormous crowd. The register describes their deaths as "sudden," says that they were forty-two years of age, and states that the burial fees were £6 14s. 8d. for Robert and £6 7s. 2d. for Daniel. The former, however, had "prayers, candles, Great Bell, and six men."[1] Mrs. Robert Perreau survived her husband for many years, dying in Upper Marylebone Street, Fitzroy Square, on 5th September, 1809, aged seventy-six. Mrs. Rudd, too, seems to have lived until the dawn of the nineteenth century, in spite of the fact that she was often "killed by the newspapers." According to the *Gentleman's Magazine* she died at Hardingstone, in Northamptonshire, on 3rd February, 1800.[2]

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[1] *Notes and Queries*, 10 S., VIII., 361.

[2] *Gentleman's Mag.* (1800), I., 188, 483; (1809) I., 581. *Notes and Queries*, 10 S., VIII., 361; IX., 114.

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(4) The Rev. Dr. Dodd (1777).

"His moral character is very bad," wrote Dr. Johnson on the day after Dodd's execution; and, when he was condemned to death, Bach, the musician, had prophesied that he would surely be hanged because of "his bad reputation." Indeed, it is probable that he might have been reprieved had he not been a reprobate.

William Dodd was born on 29th May, 1729, at the village of Bourne, in Lincolnshire, where his father, whose name also was William, had been vicar for some years.[1] In 1746 he matriculated at Clare Hall, Cambridge, taking his B.A. degree in 1749, after being fifteenth wrangler. Coming to London in the hope of making a career either in literature or at the bar, he began to dabble in rhyme and practised public speaking at the Robin Hood debating society. On 15th April he married Mary Perkins, the daughter of a verger at Durham Cathedral, whom scandal alleged to have been a mistress of John, fourth Earl of Sandwich. Relinquishing his former ambitions on the expectation of preferment in the Church, he was ordained deacon on 19th October of the same year and appointed curate of West Ham, in Essex. Soon afterwards he obtained a lectureship at St. James's, Garlick Hill, which a little later he exchanged for another at St. Olave's, in Hart Street. In a short time he became a popular orator, for he had a fine voice and a pleasing presence, and preached with all the fervid abandonment of the Methodist. Even fastidious critics allowed that his sermons were eloquent and touching.

His fame as a preacher increased after the opening of Magdalen House, a house for "lost women," to which he was appointed chaplain in 1758. Crowds flocked to his services each Sunday, attracted by a novel experience. For Dodd apostrophised "the fallen sisterhood" with little regard for delicacy, making them weep abundantly as well

[1] William Dodd, the elder, died at Bourne on 8th August, 1756, aged 54. His wife, Elizabeth, died 21st May, 1755, aged 55.

as the more soft-hearted among the rest of his congregation. The Magdalen Chapel was soon a fashionable resort, ladies of the nobility being among its most assiduous patrons. The eloquent young pastor had become one of the most talked-of clergymen of the day.

From this time his advancement was rapid. Lord Chesterfield selected him as tutor to Philip Stanhope, his heir and godson; he was appointed Chaplain to the King; he was selected by the Bishop of St. David's as one of the prebends of Brecon. By the year 1766 he was sufficiently prominent to justify his taking the LL.D. degree. About this period his wife received a legacy of £1500, and he drew a prize of £1000 in a lottery, the whole of which money he invested in the building of a chapel in Pimlico, which he named Charlotte Chapel, after the Queen. Leaving West Ham, he removed to Southampton Row, and also took a country house at Ealing, where he received pupils of good families and set up a coach. As before, he attracted a fashionable congregation, and on the Sundays that he preached his chapel was always crowded. In 1772 he was presented with the sinecure living of Hockcliffe, Bedfordshire, to which was joined the vicarage of Chalgrove.

Scandal, however, had taken liberties with his reputation. He had always been gay, volatile, and frivolous, fond of display in dress and a sybarite in his habits. The first two riotous years of his early manhood had never been forgotten, when, coming up to town from the university, a layman still, he had drained life's enchanting cup of pleasure to the dregs. "His attentions to the fair sex" were remembered against him, and his habit of composing odes in adulation of feminine charms did not meet with the approval of his fellow-clergy. He had written a novel, too, called "The Sisters," after the manner of Smollett, which was looked upon as an improper performance for one of his calling.

In the last month of 1773 the notorious *Town and Country Magazine*, the great repository of the scandal of the day, made him the hero of one of its *tête-à-têtes*, under the sobriquet of the "Macaroni Parson," coupling his name with a Mrs. Robinson—one of his disciples at Charlotte Chapel,

and hinting plainly, as was its wont, that there was a liaison. A few months earlier there had been a paragraph in a daily newspaper, suggesting that he was too familiar with his pretty servant maid, and declaring also that he had been an intimate friend of the famous courtesan, Polly Kennedy.[1] There were disreputable stories, too, about a house near Bromley, in Kent, "for female boarders," of which he was said to be the proprietor, but these have been declared to be "false libels" on good authority.[2] Other rumours, however, of "a still deeper dye" were spread abroad. It is a remarkable fact that during the years 1770 and 1771 he appears in the rate-books as the occupier of one of the five houses in George Court, Pall Mall (afterwards known as King's Place), all of which were bawdy-houses, and that this particular one had for its previous tenant the infamous Charlotte Hayes.[3] That the name of the Rev. Dr. Dodd should be used in such a connection shows, at least, that his reputation was besmirched lamentably.

In 1774 public disgrace fell upon him. In the January of this year, on the preferment of Dr. Moss to the bishopric of Bath and Wells, the rich living of St. George's, Hanover Square, became vacant, worth, it was said, £1500 a year. A few days later an anonymous letter was received by Lady Apsley, wife of the Lord Chancellor, who was the patron of the living, offering a large sum of money if she would procure the appointment of a person to be named subsequently. The letter was traced to a law clerk, and from him to Mrs. Dodd, who, it was assumed, had been prompted by her husband. At first, the doctor attempted to deny it, then prevaricated, and finally wrote to the papers, begging the public to suspend judgment. The King struck him off the list of his chaplains, and so much indignation had been aroused against him that he was compelled to go abroad.

In this extremity he paid a visit to his old pupil, Philip

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[1] *Morning Chronicle*, 27th March, 1773; *cf. Town and Country Mag.*, XI., 375.
[2] *Gentleman's Mag.* (1777), p. 389.
[3] Westminster Rate Books; *cf. Town and Country Mag.*, XI., 375.

Stanhope, now Earl of Chesterfield, who was residing at Geneva. The young man received him with kindness, presenting him with the living of Wing, in Buckinghamshire, and, after a while, he returned to London once more. But his popularity was at an end. He was obliged to resign the chaplaincy of Magdalen House, and a little later was forced to sell Charlotte Chapel in order to pay his debts. Not being able to restrain his habits of extravagance, his financial embarrassments grew more pressing every day. Yet, he made no attempt to economise. As late as 4th December, 1776, while dining with Messrs. Dilly, the booksellers, in the company of John Wilkes, Sir Nathaniel Wraxall, and others, he invited the whole party to a dinner at his house in Argyll Street, where a sumptuous entertainment was given on 24th January, 1777.[1]

A week afterwards, on 1st February, he committed the crime that brought him to the gallows, offering a forged bond for £4200, bearing the signature of Lord Chesterfield, to a stockbroker named Lewis Robertson, who induced Messrs. Fletcher & Peach, a firm of bill discounters, to advance £4000 on the security. The bond was transferred to the lender's solicitor, who, observing that there were some odd marks upon it, sought an interview with the Earl, and, learning that he had not signed the deed, obtained warrants from the Lord Mayor against Dodd and Robertson.

In the meantime, as soon as he realised that his fraud was discovered, the unhappy Macaroni Parson did his utmost to offer a complete restitution. He returned six notes of £500 each, making £3000; he drew on his banker for £500; the broker returned his commission of £1000, and the doctor gave a second draft for £200 and a judgment on his goods for the remainder of the money. It was contended on his behalf that he had needed only £300 to satisfy his creditors, and that he had borrowed the larger sum because it would not have been believed that Lord Chesterfield was seeking to raise a trifling amount.[2] His efforts were unavailing. Although

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[1] "Wraxall's Memoirs," Bickers (1884), IV., 248; Wraxall's statement is confirmed by Wilkes's MS. Diary, add. MSS. 30, 866.

[2] *Gentleman's Mag.* (1777), 115-116.

the prosecutors seemed to have been willing to compromise the matter, Thomas Halifax, the Lord Mayor, one of the "Court party" in the city, aware possibly that the accused man was a friend and associate of his old enemy, Wilkes, insisted that the case must proceed. The clergyman was brought up at the Guildhall on 8th February, and committed to the Wood Street Compter, whither he had to walk on foot amidst the scoffs and jeers of the populace.

His trial took place at the Old Bailey on Saturday, 22nd February, 1777, before Sir Richard Perryn, a baron of the Exchequer, Mr. Justice Willes, and Mr. Justice Gould. James Mansfield, the prosecutor of Robert Perreau, and Davenport, who had helped to defend Mrs. Rudd, appeared for the Crown, and the prisoner was defended by the eloquent Henry Howarth, assisted by Messrs. Cowper and Buller.[1] Objections were raised on a point of law to the admission of the evidence of Lewis Robertson, which were overruled by the judges after a long technical discussion. Otherwise no unusual incident marked the trial. Lord Chesterfield appeared in the witness-box against his old tutor, earning universal opprobrium thereby, and his testimony was decisive. After an absence of less than half-an-hour, the jury returned a verdict of guilty, and the prisoner was taken back to Newgate.

It was not until 26th May that he was brought up for sentence before the recorder, John Glynn. In the interval he composed his "Thoughts in Prison," an autobiography in blank verse, the popularity of which was great enough to demand five editions. His speech to the recorder, however, had been composed for him by Dr. Johnson, and he managed to read it in Court in spite of his agitation. After being condemned to death he gave way to bitter despair.

The greatest efforts were exerted to obtain a pardon. An appeal was made by the jury before whom he was tried. A monster petition, containing twenty-three thousand signatures, was presented to the King by the popular Lord Percy. The newspapers on the whole were favourable to the doomed man, and the Methodists took up his case with avidity

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[1] Afterwards Sir Francis Buller, Bart. (1746-1800), judge.

The public conscience was shocked at the idea of hanging a clergyman. His hypocrisy and dissipations were forgotten, and it was remembered only that he had done many good works in the cause of charity. Moreover, his crime seemed paltry in comparison with that of previous forgers, for he had committed merely one fraud, and had restored practically all that he had stolen. So when George III., under the supposed influence of Lord Chief Justice Mansfield, declared that "if Dr. Dodd is pardoned, then the Perreaus have been murdered," the protest was thought to be futile and illogical. For Daniel and Robert Perreau had lived upon the proceeds of fraud for many years, having been guilty of almost a score of forgeries.

On the other hand, the authorities were justified in taking the sternest view of his offence. Although the old code must seem draconic to the modern humanitarian, the penalty of forgery was death in the year 1777, and it was the duty of ministers of the Crown to obey the law with strict impartiality. There is no reason to believe that Lord Mansfield, one of the greatest and most incorruptible of judges, was pitiless or malevolent in his attitude towards the unhappy William Dodd. It must have appeared to him that others would be encouraged to victimise unsophisticated young noblemen if pardon was granted to a man who had taken advantage of his position of tutor to commit an impudent robbery.[1] The King, too, who was always actuated by a strict sense of duty, was also a good and pious man, and it must have seemed to him that there were no extenuating circumstances. Many of the disgraceful incidents of Dr. Dodd's past life had been revealed, and there was reason to suppose that he had encouraged his wife "in her love of drinking that he might be at liberty in the evenings to indulge himself in other amours." It was notorious that he had kept company with loose women, and had been an evil-liver since the early days of his marriage.[2] So when the recorder made his report to the King in Council on 15th June, "of such prisoners as were lying under sentence of death in Newgate, viz., Dr. William Dodd and Joseph

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[1] "A Famous Forgery," Percy Fitzgerald, p. 108.
[2] "Journal of the Reign of George III.," Horace Walpole, II., 122-123.

Harris," George III. declined to exercise his prerogative of mercy.

The last days of Dodd's life are now chiefly memorable for the exertions of Dr. Johnson to obtain a pardon for the condemned prisoner, a man with whom he had only a slight acquaintance. He addressed a letter of appeal both to Lord Mansfield and to Lord Chancellor Bathurst, and wrote two petitions to the King and Queen. The petition from the city of London—for, although stern usually in its attitude to the forger, the Court of Common Council was inclined to mercy in this case—had been also composed by him. The sermon that Dodd preached in Newgate to his fellow-prisoners on 6th June—his last effort to influence pity—came from the lexicographer's pen.[1] On the Sunday before the execution Johnson left Streatham church during the service, in response to an urgent message from the condemned man to indite a fresh appeal for mercy.

The sentence was carried out on Friday, 27th June, amidst an enormous multitude. During the long weeks of suspense Dodd had steeled himself to his fate, and, although some who saw him on the fatal morning seem to suggest that he was stupified by despair, he made a brave effort to bear himself with fortitude. He was granted the privilege of a mourning coach, and the Rev. John Villette, the Ordinary of Newgate, and the Rev. Mr. Dobey, who had succeeded him as chaplain of the Magdalen, accompanied him on "the march to Tyburn." Joseph Harris, his fellow-sufferer, a boy who had tried to commit suicide and was weak still from the attempt, made the journey in an open cart, lying prostrate all the way, with his head resting on the knee of his sorrowing father. Along the route the road was more crowded than it ever had been before, and there were spectators at every window. Most of them were moved to pity by the ghastly face at the coach window, under a heavy, broad-brimmed hat, "flapped down" so as to hide his features.

[1] Afterwards printed under the title of "The Convict's Address to his Unhappy Brethren"; *cf. Times Literary Supplement*, 7th December, 1922, p. 789, which contains an admirable account of the life and writings of Dr. Dodd.

There was a heavy shower soon after Tyburn was reached, and it was raining still when Dodd dismounted from the coach and clambered into the cart beneath the gallows, where the trembling Harris was kneeling with the rope around his neck. He spoke to the poor boy tenderly, showing that he was master of himself to the last, and prayed fervently with the two clergymen. It was remarked that Dobey was deeply affected, while Villette, inured to such scenes, remained wholly unmoved Just before they were turned off, Dodd was seen to be whispering earnestly to the executioner,[1] who ran back at once when the cart had moved away, and took hold of the doctor's legs as if to steady him. It seemed to the onlookers that he died without pain.

It had not been intended, however, that Dr. Dodd should die at the hands of the common hangman, for arrangements had been made by his friends to resuscitate him. A hot bath was in readiness at the house of Mr. Davies, the undertaker, in Goodge Street, where a famous surgeon was in attendance; and as soon as the criminal was cut down he was placed in the mourning coach and driven away with all speed. But the press of the crowd made the journey a slow one, and, although the doctors worked long and persistently, it was found impossible to restore the body to life. Nevertheless, the story was told, and believed by many people, that he had survived his execution and lived for many years afterwards in seclusion on the Continent.

The same evening his faithful friend, Weedon Butler, carried him down to Cowley, in Middlesex, where he was buried with quicklime in the coffin at the north side of the church. He was in his forty-ninth year. It was a cruel punishment for the wrong that he had committed; but he knew the risk that he ran when he wrote the forged signature.

His unhappy wife, of whom he seems to have been fond in spite of his infidelities, and who was devotedly attached to him, never held her head up again. "The verger's daughter —so tolerant, so enduring, so faithful to the end—dragged on

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[1] Edward Dennis, who hanged the Perreaus.
[2] Some say John Hunter, others Percival Pott.

a hopeless life at Ilford, in Essex, 'in circumstances of corporal and mental inanity,' says one who knew her and relieved her wants, until the year 1784, when she died."[1]

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[1] "A Famous Forgery," Percy Fitzgerald, p. 183. Mrs. Dodd died on 24th July.

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Mr. Percy Fitzgerald's excellent monograph, "A Famous Forgery," tells the story of Dr. Dodd at full length.

(5) William Wynne Ryland.

Ryland was a celebrity already when he became a criminal, like Dr. Dodd, and his trial and execution aroused almost as deep an interest; but as there was no mystery in the case and no chance from the first of a pardon being obtained, he has not been discussed to the same extent by the letter-writers and memoirists of the period.

William Wynne Ryland, the eldest of the seven sons of Edward and Mary Ryland, was born on 2nd November, 1733, in the Old Bailey, where his father kept a bookshop.[1] His parents were prosperous folk; and, since the boy displayed a talent for drawing, he was sent to study as an artist at the St. Martin's Lane Academy, and was apprenticed afterwards for five years to Simon François Ravenet, of Lambeth Marsh, a French engraver, who composed many of the plates for his father's publications About the year 1755 he went to finish his education in Paris, where in August, 1756, he won the gold medal for drawing given by the Académie Royale, which, it is said, entitled him to free tuition in the Italian schools.[2] After a brief sojourn in Rome, he returned to Paris, becoming a pupil of Jean Philippe le Bas, in whose studio he learned the new stipple method of engraving from a fellow-student named Gilles Demarteau. For some time also he was taught painting by the great François Boucher. In all he was abroad for five years, arriving home again in 1759.[3]

Success came to him very quickly. In May, 1761, his print of Leda and the Swan, a line-engraving after Boucher,

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[1] Register of St. Martin's, Ludgate; *cf. Notes and Queries*, 10 S., XII., 383. He was named after Sir Watkin Williams Wynne, who was his godfather. The Ryland family is said to have come from Wales; Edward Ryland died 26th July, 1771, aged 67; Mary Ryland died 25th May, 1780, aged 70. Both are buried at Feltham, Middlesex.

[2] *Public Advertiser*, 20th September, 1756. That he was in Paris in 1755, is proved by his engravings in vol. II. of "*Les Fables Choisies de la Fontaine*," illustrated by J. B. Oudry.

[3] His engravings for Sir John Hawkins's edition of "The Complete Angler," published by Rivington, are dated 1759.

was shown at the Exhibition of the Society of Artists in Spring Gardens, and, as a line-engraver was needed at Court to copy the Royal portraits painted recently by Allan Ramsay, Ryland was appointed engraver to the King. The salary was £200 a year for as long as the work lasted, with an additional £50 for each of the drawings and the proceeds of the sale of the prints. Evidently the remuneration was sufficient, for the artist seems to have done little work for the next four years besides the reproductions of two pictures of George III. and one of the Earl of Bute. These are said to have been "executed in so masterly a manner as gained him the highest esteem from his sovereign and universal admiration from the public." He had reached the foremost rank among the engravers of the day.

In the spring of 1764, when he was already a *persona grata* at Court, his brother Joseph took part in an adventure that might have cost him his life. In a drunken frolic, and out of mere bravado, while returning from a fox hunt with the Surrey hounds, he stopped two ladies in a coach upon the highway and robbed them of a few shillings. For which offence he was tried at Kingston Assizes and condemned to death. Hanged, too, he would have been undoubtedly had not the King's engraver interceded for the culprit, and, explaining the true facts, managed to secure a pardon.[1] Wynne Ryland seems to have been high in the Royal favour at this period, and in the following April he was sent over by George III. to collect a set of French prints, which, we are told, were "Magnifiques épreuves . . . fournités comme pour un roi."

At last his picture of the King in coronation robes—the second of his portraits after Ramsay—was finished, and was exhibited in the rooms of the Incorporated Society in April, 1767. He was now living in Stafford Row, near the Queen's Palace, in order to be near his work, being engaged upon an engraving of Queen Charlotte with the slumbering baby Princess in her arms. His portrait by Pierre Falconet,

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[1] *Gentleman's Mag.* (1764), p. 197; Joseph Ryland was christened at St. Martin's, Ludgate, on 17th August, 1738.

drawn during the next year, shows him as a man in the prime of life, with a clear-cut, delicate profile and a neat bob-wig tied by black ribbon. He had entered into partnership with his pupil, Henry Bryer, keeping a print shop at No. 27 Cornhill, but the enterprise met with little success, and in December, 1771, he became bankrupt.[1]

About this time a strange anecdote is related of him. William Blake, then fourteen years old, was brought by his father to Ryland's studio in the hope that he might be accepted as an apprentice. But the boy declined to serve under such a master. "I do not like the man's face," he told his father when they left the room. "It looks as if he will live to be hanged." Although the remark has been regarded by the occult as a marvellous instance of intuition, it is capable of a more simple interpretation. For young Blake probably had heard of Joseph Ryland's escape from the gallows, and his antipathy may have been occasioned by the association of ideas.

Wynne Ryland now entered upon the most industrious period of his life, though from an æsthetic point of view it is perhaps the least admirable. Had he persevered in the branch of art to which he had been trained he might have taken rank with the great line-engravers of France, and his work would have been more valuable if he had confined himself to portraiture. But he began to specialise in the "stipple method," by which he was able to produce the effect of drawings in red chalk, while some of his plates were tinted also, giving the impression of a painting in water-colours. At the same time he came under the influence of pretty Angelica Kauffman, for whom he seems to have had unbounded admiration, devoting himself almost entirely to reproductions of her meretricious canvasses. His first exhibits in the Royal Academy, in 1772, were engravings from her pictures.

It was necessary, indeed, that he should make special exertions. Although the King allowed him a pension of £200, his failure in business had plunged him into poverty,

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[1] *Gentleman's Mag.* (1771), p. 572.

and he had been obliged to move out of town.[1] He had a wife and five children. Yet, at the end of three years he had so far re-established his position as to be able to open another print shop at No. 159, in the Strand. In a little while, too, he had paid all his creditors in full. The Kauffman prints, both in red chalk and in colours, caught the fancy of the public, and once more he became a prosperous man. From 1774 to the spring of 1783 his profits are said to have averaged £2000 a year.

His extravagance, however, more than kept pace with his earnings. He squandered large sums upon a youthful mistress; he frequented gaming rooms, losing heavily at the E.O. tables; he was self-indulgent and hospitable, and his personal expenditure exceeded his income. Although his stock-in-trade was a valuable one, and he possessed shares in the Liverpool Water Company to the amount of £7000, he became sorely in need of ready money.

For some time he had made a practice of discounting bills of exchange, and in an evil moment he was tempted to employ his skill as an engraver in counterfeiting one of them. Naturally, it was a work of art that defied detection. This success led him on to further frauds whenever his creditors became clamorous, and in a little while he had committed more than half a dozen forgeries, all being acceptances to bills of the East India Company. These documents were deposited with his banker as security for money advanced.

At last when two identical bills, both negotiated by Ryland, had been presented for payment, it was clear to the officials of the company that one of them must be spurious. Suspicion fell upon the engraver, who disappeared from his home as soon as an explanation was demanded, and a warrant was taken out against him. On 3rd April, 1783, an advertisement was printed in the newspapers, declaring that he was charged with counterfeiting two bills of exchange for payment of £7114, with intent to defraud the United East India Company, and offering a reward for his apprehension.

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[1] In 1772 he was living in Queen's Road, Knightsbridge, and in 1773 in North End Road, near the Hammersmith turnpike. Royal Academy Catalogues; Thorne's "Environs of London," II., 450.

For nearly a fortnight he remained in hiding, lodging with a cobbler in Stepney, having disguised his appearance and posing as an invalid, Mr. Jackson, who needed the country air. At last his landlady discovered his identity by the name on his shoes, and, eager for the blood-money, gave information at Bow Street. When the officers arrived to arrest him, Ryland attempted suicide by cutting his throat with a razor, but he was secured before he could inflict a fatal injury, and a surgeon called in to staunch the wound. Next morning, although desperately ill, he was carried to the police office, to be committed by Sir Sampson Wright to the Tothill Fields Bridewell. There, for many days, he lay sick almost to death.

In consequence of his illness he was not arraigned at the next sessions, nor was he imprisoned in Newgate. His trial took place at the Old Bailey on Saturday, 26th July, before Mr. Justice Buller,[1] who had been one of the counsel for Dr. Dodd. John Silvester,[2] Rouse, and Robert Graham[3] appeared for the Crown, and the prisoner was defended by Messrs. Peckham, Mingay & Fielding. He was not indicted on the accusation that had led to his arrest, but was charged with "forging and uttering a bill of exchange for £210, drawn by the gentleman of the factory at Fort St. George, in Madras, on the Honourable East India Company." Two bills of this denomination, identical in every respect and with the same signatures, had been negotiated by Ryland in September and November, 1782, respectively, and the prosecution sought to prove that the second was the counterfeit one.

It was a difficult task, for although it was clear that one of them was spurious—since two of the same amount and signed by the same persons had not been issued—the imitation had been done with such skill that the documents were as like as two peas. A crowded Court followed the proceedings with breathless interest, the sympathies of most

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[1] Afterwards Sir Francis Buller, Bart. (1746-1800).

[2] Afterwards Sir John Silvester, Bart. (1745-1822), Recorder of London. Elizabeth Fenning was tried before him on 11th April, 1815.

[3] Afterwards Sir Robert Graham (1744-1836), judge.

being with the man in the dock. For a long time the issue was in doubt, the witnesses for the Crown failing to prove the forgery. Holt, the assistant secretary to the E.I.C., failed to differentiate between the two bills. The testimony of Omer, an E.I.C. clerk, who swore to the real one, was commented upon adversely by the judge.

At last James Waterman, a paper manufacturer at Maidstone, was called into the box, and at the sight of him it was noticed that a look of dismay flitted across the face of the accused man. Waterman swore that the paper on which the second bill was printed had been made by his firm, but had not been issued to the trade until May, 1782. It was impossible, therefore, that the bill could be a true one, as it was dated a year previous to that period.

Ryland's defence—"a more clear and energetic composition than ever was heard in the same place"—was read for him by the clerk of the Court, as his voice was weak still in consequence of his wound. He acknowledged that one of the bills that had passed through his hands was shown to be a forgery, but he denied that he had been aware of the fact when he had negotiated it, and he contended that it had not been proved that he had counterfeited it himself or had uttered it knowing it to be a forgery. After Waterman's evidence, however, his protests were in vain. Although the judge commended his defence "for its matter and good sense," he laid down the stern proposition that it behoved the prisoner "to show how he came by the bill in order to prove that he did not know it to be forged." This, of course, Ryland had been unable to do, as it had not been passed on to him by any one, but was the work of his own skilful hands.[1]

The hostile summing-up was decisive with the jury, who, no doubt, were aware that the engraver might have been charged on several other indictments. They must have borne in mind also that Ryland, who alone had the skill as well as the motive for this amazing forgery, possessed also the opportunity. So, after an absence of only thirteen minutes,

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[1] He alleged that he had received the bill from a man named Haggerstone, but could offer no evidence to prove his identity. Report of trial in the *Morning Post*, 28th July, 1783.

they returned a verdict of guilty of uttering with intent to defraud. The convict was taken to Newgate, and a week later, on Saturday, 2nd August, at the close of the sessions, he was sentenced to death by Thomas Harrison, acting for the recorder. He bore himself bravely throughout, as he had done at his trial.

Although the judge was thought to have pressed a point against the prisoner unduly, for it was possible that in the course of business he might have received the bill from a person whom he could not produce, the public at large seems to have been satisfied that Ryland was guilty. As usual in those days, he had been "condemned by the newspapers" both before and after his trial, and it was notorious that innumerable other E.I.C. bills (forgeries all) had passed through his hands. Nevertheless, the condemned man was hopeful of obtaining a pardon, remembering that he had been able to influence the Royal prerogative in favour of his brother Joseph, and relying upon the King's well-known partiality for himself.[1] Two petitions were prepared and signed extensively —one being presented at Windsor on the day after he was condemned, the other on the thirtieth of the month.

Immediately after his sentence he had begged that "his life might be preserved a little longer," not for his own sake, but that he might finish some plates for the benefit of his wife and children. A private room was allotted him in the prison, and he toiled unceasingly at his task, scraping the copper sheets with his stipple-graver, although he was still suffering from the effects of his severe wound. After the levee at St. James's on Friday, 22nd August, Deputy-Recorder Harrison made his report of the prisoners under sentence of death to the King in Council, when the plea that William Wynne Ryland had been convicted on insufficient evidence was rejected finally, and he was "excluded from the Royal mercy." Three of his prints were still incomplete.[2]

[1] *Cf.* "Autobiography of Mrs. Piozzi," A. Haywood, II., 125.

[2] These are said to have been (1) "King John Signing Magna Charta," after John Hamilton Mortimer, finished by Bartolozzi and published by Mrs. Ryland in 1785. (2) "Interview between Edgar and Elfrida," after Angelica Kauffman, finished by William Sharp and published by Mrs. Ryland in 1786. (3) "The Battle of Agincourt," after John Hamilton Morton.

William Wynne Ryland.

Ryland was executed with five other criminals on Friday, 29th August, meeting his fate with wonderful courage. Contemporary reports praised the neatness of his attire, described as a suit of mourning, with white ruffles and silver shoe buckles. A great crowd had assembled in the outer Press Yard, but Richard Akerman, the keeper of Newgate, would allow no one to enter the inner court, where the convicts awaited the arrival of the Sheriff; and when they had to pass out at last "through a lane of spectators," he took the artist into the lodge to be pinioned out of sight of prying eyes. "Don't tie Mr. Ryland too tight," was the injunction to Edward Dennis, the hangman. Because of his position in life, the engraver was unfettered, and was granted the privilege of a carriage to take him to Tyburn. When all was ready, at half-past nine, a turnkey, standing at the gate of the prison, announced "Mr. Ryland's coach," and the condemned man walked down the steps into the street with a firm tread. At that moment a small girl sprang forward, throwing her arms around him, whom he kissed passionately—his own daughter, the child of sin. But he remained unshaken, and passed on to his doom.

A pair of gallows had been reared at Tyburn, 50 yards nearer the wall of the park than usual, and when the procession reached its destination a terrific thunderstorm delayed the proceedings for half an hour. Ryland was allowed to wait in his coach, but the other five criminals in the open carts were drenched to the skin. He was not called upon till the last, when the rest had been "tied-up," and was then placed beside two thieves, one of whom was shrieking in despair, the other prostrate with fear. Yet, still he did not flinch, climbing into the tumbril with quiet resignation, and submitting to the hangman without a tremor. Just before the end he is said to have confessed his guilt to Sheriff Taylor.

It was one of the last executions at Tyburn, for after the hanging of John Austin on 7th November following, the place of execution for the city of London and county of Middlesex was transferred to the Old Bailey.[1]

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[1] "Tyburn Tree," Alfred Marks, pp. 266, 267.

The same coach that had conveyed William Wynne Ryland to the gallows brought back his dead body to his friends. Five days later—on Thursday, 3rd September—they took him to the churchyard of Feltham, beyond Hounslow, where his father and mother were buried. He had died insolvent, a decree of the Court of Chancery in favour of the East India Company having appropriated almost the whole of his estate—showing to what an extremity he had been reduced when his forgeries had been discovered. But a public subscription enabled his widow to purchase a large number of his plates at the sale of his effects and set herself up in business.[1] A newspaper paragraph commented upon the fact that Gainsborough was the only artist who contributed to the fund, stating also that Sir Joshua Reynolds had given nothing.[2]

For some years Mrs. Ryland continued to keep a print-shop at the corner of Berners Street, where her husband's engravings commanded a large sale. Subsequently she removed to New Bond Street. From the newspapers we learn that the Ryland plates were much sought after in Paris when his fate was known. Nine years later, on 20th October, 1792, the unhappy wife went to join her husband in the little graveyard of the village in the Thames valley.

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[1] *Morning Chronicle*, 19th January, 1785.

[2] *Ramblers' Mag.*, III., 159. Copied probably from the *Morning Post*. Gainsborough contributed five guineas. According to the *Morning Herald*, 18th April, 1785, Mrs. Ryland paid 1200 guineas at Christie's sale for the plate of "King John Signing Magna Charta."

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(6) Henry Weston (1796).

Henry Weston was young, handsome, and well-connected, his defalcations ran into tens of thousands of pounds, and so the British public sympathised with him intensely, and esteemed him a criminal of the highest rank.

He was the son of Thomas Weston, a Dublin attorney, and was born at Clonmel, in Tipperary, in the year 1773. His family was of some social standing, Sir Hugh Palliser, Baronet, the famous admiral, being his uncle. He received a good education, and in 1791 he was entered at Trinity College, Dublin, as "a pensioner," but his University career did not last long.[1] Although clever and amiable, he had no stability of character, and a year later, having fallen into debt, he appropriated a sum of money belonging to his father, and fled to London.

Here, like so many of his fellow-countrymen, he seemed to turn over a new leaf. A friend gave him an introduction to Thomas Cowan, of Ely Place, Holborn, an army agent of some repute, who, perceiving that he was a young man of enterprise and ability, engaged him at once as a clerk in his office. Before the end of two years he had risen to the position of manager. He was clever at figures and fertile in ideas, while, owing to his charm of manner and endeavours to please, he won the respect both of his clients and of the financiers whom he met in the course of business.

In 1794 Mr. Cowan went abroad for some months, leaving Weston in sole charge of his agency, and "to this implicit confidence of his employer," says the "Newgate Calendar," "he may date his ruin." The young man, only just twenty-one years of age, began to frequent a gaming-house in Pall Mall, where there were "pharo" and "hazard" tables, and after commencing with trifling bets he increased his stakes to large amounts. Inevitably he was soon a heavy loser, and the money that he lost was not his own.

Because of the position of his firm he was able to obtain

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[1] Dublin University Register. *Bell's Weekly Messenger*, July, 1796.

unlimited credit. "The different brokers, jobbers, and lottery-office keepers to whom he resorted, knowing the respectability of his principal, Mr. Cowan, used to take his word currently, and he had only to mention the names of stock, scrip, tickets, or loan to be immediately supplied." In addition to play at the tables he speculated largely in the "Alley," but he met with no success, and was tempted to embezzle still more in the hope that his ill-luck would change. Like Fauntleroy at a later date he sold stocks and shares belonging to clients under a forged power of attorney. Even after his employer had returned to England he was adroit enough to continue his speculations until he had squandered £50,000. Indeed, some say that his thefts amounted to twice the sum.

One of his victims was his cousin, Hugh Palliser Walters, who eventually succeeded his great-uncle, Admiral Palliser, in the baronetcy, and who was married to a rich heiress.[1] Pretending that he could invest his fortune to great advantage, Weston persuaded the unfortunate young man to entrust him with a large part of his fortune, "all of which was sunk at the gaming table." And when this money had been lost, the plausible rascal continued to obtain credit by offering the acceptances of his cousin, drawn upon Mr. Cowan's bank. So great, indeed, was his effrontery that on one occasion he invited a broker, through whom he had purchased many thousand pounds' worth of scrip in this manner, to meet Mr. Cowan and his family at a convivial party at his chambers, though had he left the two men alone together the transaction must have been discovered.

At last, on Thursday, 7th April, 1796, his dishonesty was found out. Among the clients of Mr. Cowan was General Patrick Tonyn, of Park Street, a rich old gentleman, who held £16,000 worth of Government 3 per cents.[2] Weston had appropriated the whole of this stock under a forged power of attorney, and he had robbed the general's sister also in a similar manner, having had the audacity on one occasion to

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[1] Sir Hugh Palliser Walters (1768-1813), 2nd Bart., died at Troyes, 17th November, 1813. Complete Baronetage, G.E.C., vol. V.

[2] Patrick Tonyn, died at Park Street, Grosvenor Square, on 30th December, 1804, in his 80th year.

take a woman with him to the Bank of England to impersonate the lady. As in all similar transactions, he had paid the interest when it became due and was prepared to reinvest the capital by robbing some one else, but on this occasion he was unable to arrange the readjustment in time. General Tonyn took it in his head to send a broker to the bank unexpectedly to make inquiries with regard to his investments, and, although Weston attempted a plausible subterfuge when asked to explain, he was told that the matter must be thoroughly investigated. Realising that all was lost, he absconded.

For some days nothing was heard of him, and then he was tracked down to Liverpool, where he was arrested on board ship as he was on the point of sailing to America. During the journey back to London in charge of the Bow Street officers, he endeavoured unsuccessfully to commit suicide by cutting his throat.

His trial came on at the Old Bailey on Monday, 16th May, 1796, before John Silvester, the common serjeant. The case had excited the greatest interest, and the Court was crowded. William Garrow[1] and William Fielding[2] appeared for the Crown, and the prisoner was defended by Serjeant Samuel Shepherd[3] and George Wood.[4] Upon entering the dock he bowed three times to the judge, and every one was impressed by his "uncommonly genteel appearance."

He was indicted for having forged a letter of attorney in the name of Lieutenant-General Patrick Tonyn for the sum of £5000, on 21st January, 1796, with intent to defraud the Governor and Company of the Bank of England. The evidence was unanswerable, and only one result was possible. When the jury had given their verdict he addressed the Court in a penitent speech—

"My lord, and gentlemen of the jury, the verdict which has now been passed upon me I hear with a calmness and resignation I am happy in possessing upon so awful an occasion.

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[1] Afterwards Sir William Garrow, 1760-1840, Baron of the Exchequer.

[2] William Fielding (1748-1820), afterwards a Westminster magistrate, the eldest son of Henry Fielding, the novelist.

[3] Afterwards Sir Samuel Shepherd (1760-1840), Attorney-General, 1817. Lord Chief Baron of the Scottish Exchequer, 1819-1830.

[4] Afterwards Sir George Wood (1743-1824), Baron of the Exchequer.

I am, my lord, as my appearance may very easily show, a very young man. I hope the numerous young men who surround me will take example by my fate and avoid those excesses and fatal vice of gambling which have brought me ruin and disgrace; and I hope, too, that those further advanced in years will be cautious not to confide with too unlimited control the management of their concerns to the care of inexperienced young men. At the time I was ushered into life I possessed that control over property, the value of which I could not justly estimate, from which I date my present dreadful situation. I have been ruined by too much precipitation in myself and by too great want of attention in those that have had the superintendence of my conduct. The justice of my condemnation I acknowledge, and shall submit to it with patience and, I hope, with fortitude."

Much sympathy was felt for him, and an effort was made by his "respectable relatives" to obtain a commutation of his sentence, but there was no chance of pardon for one, however penitent and youthful, whose forgeries had been so extensive. Although his courage never faltered for a moment, he dreaded a long exposure on the scaffold before the gaze of the mob, and he tried to exact a promise from the Ordinary that the drop should fall immediately the rope was placed around his neck. This request, however, was refused owing to the objection of his gallows-companion, John Roberts, doomed to be hanged the same morning for the forgery of a £5 note.

"What, is Weston afraid of being seen?" exclaimed the malefactor, who was an old gaol-bird. "That is not my case; I am not only willing for the people to see me, but likewise to take warning by my untimely end. Therefore, let me have the usual prayers."

To which the Rev. John Villette responded that Roberts "had a right to such indulgence and it should be granted."

Weston was hanged in front of Newgate along with his fellow-convict on Wednesday, 6th July. He met his fate with fortitude, and was much pitied by the mob. As soon as the executioner[1] had placed the cap upon his head he pulled it

[1] The executioner was probably William Brunskill. *Notes and Queries*, 10 S., VIII., 245.

down as low as possible, and held a white handkerchief to his mouth, so as to hide his face from the spectators while the prayers were being said. Two clergymen, in addition to the Ordinary, attended him to the scaffold. He was only twenty-three years of age. Pierce Egan wrote the most suitable epitaph for him when he made his fame secure for all time by mentioning him with sympathy and at full length in his greatest work—"He commenced gentleman too soon."

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(7) Henry Cock (1802).

Henry Cock, the son of Henry and Elizabeth Cock, was born in the year 1775 at Wapping, where his father carried on the trade of a biscuit maker, and was baptised in the church of St. Dunstan, Stepney, on the 17th of September.[1] Left an orphan early in the year 1791, he was adopted by an elderly relative, one Captain William Story, a childless widower, seventy years old, who helped him to finish his education. Mr. Story resided at the Parsonage House, Chatham, and here young Cock lived with him, meeting many persons of distinction, and being treated by the old gentleman as if he were his own son.[2] Upon leaving school he was articled to a solicitor, and soon after he came of age he was set up in business as an attorney at Brewer's Hall by his benefactor. Being clever and industrious, he soon built up a good connection, many of Mr. Story's friends employing him as their lawyer. Men like Sir Andrew Snape Hamond, Comptroller of the Navy; William Mainwaring, M.P. for the county of Middlesex, the colleague of John Wilkes; and Alderman Charles Price, soon to be Lord Mayor of London, and a baronet, put business in his way. He was a good-looking and agreeable young man, and won the confidence of all who knew him.

Captain Story entrusted him with the sole management of his affairs, allowing him to collect all his dividends and confiding in him in everything. Thus, Henry Cock became acquainted with the contents of the old man's will, the provisions of which must have caused him great disappointment. For because he had received financial assistance already, the bequests to him were inconsiderable, merely a hundred pounds in cash, a gold watch, Dr. Johnson's Dictionary, and a portion of the Parsonage House library. There had been assigned to his brothers and his sisters, as well as to other relatives, far larger legacies than to himself.

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[1] Register of St. Dunstan, Stepney. Henry Cock, the elder, died of a paralytic stroke, 4th January, 1791, at Wapping; *Gentleman's Mag.*, LXI., 92.

[2] Captain William Story married Rebecca Hawes, who brought him a fortune of £10,000, on 26th February, 1751; *Gentleman's Mag.*, XXI., 139. *Vide* will at Somerset House.

Possibly, resentment on this account may have extinguished the gratitude that he should have felt towards the guardian of his youth. At all events, he had no scruples in robbing him. The young lawyer had fallen into extravagant habits; he was keeping a mistress; he was often in financial difficulties. It was an easy matter, whenever he was in need of money, to forge a power of attorney authorising the sale of some of Mr. Story's Government stocks. The old gentleman was in a poor state of health, a martyr to gout, and the discrepancies in his signature were believed to be due to bodily infirmity. Thus the frauds aroused no suspicion, although Cook embezzled no less than £7000.

Mr. Story died on 14th August, 1801, and his executors took charge of his estate in due course. They were four in number—Sir A. S. Hamond;[1] one William Jeffreys; Benjamin Cock, the brother of Henry; and one other. When they had examined the list of the testator's investments, they decided to use £7000 5 per cent. Government stock for the payment of the various legacies. Accordingly, they instructed Henry Cock, who was acting as solicitor on their behalf, to effect the sale immediately. The young lawyer objected to the proposal, writing no fewer than three letters to persuade his clients not to sell out until after Christmas, in order that they might have the benefit of the dividend, and as the advice seemed reasonable, the executors were content to follow it. At the beginning of the new year, however, they repeated the instructions, and, as their request continued to be ignored, they made inquiries at the Bank of England. Here, to their amazement, they learnt that the whole of the £7000 in the 5 per cents. had been sold out by Henry Cock at different periods, the last in the month of August, 1801, under the pretended authority of a warrant of the late Mr. Story. The bank insisted upon a prosecution, and the solicitor was arrested.

He was brought to trial at the Old Bailey before Lord Chief Justice Ellenborough[2] on Saturday, 1st May, 1802. For

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[1] Sir Andrew Snape Hamond (1738-1828), Comptroller of the Navy, and M.P. for Ipswich.

[2] Edward Law, first Baron Ellenborough (1750-1818).

a man of good position, and, moreover, an attorney-at-law, to be arraigned for forgery was an unusual occurrence, and the case aroused greater interest than any since that of William Wynne Ryland. Moreover, the prisoner was only twenty-six years of age, "of genteel appearance and polished manners," and was on trial for his life. Naturally, the Court was crowded to its utmost capacity.

Cock was indicted for forging three papers purporting to be letters of attorney for the transfer of £7000 in the 5 per cent. Government stock, the property of the late William Story, of Chatham, with intent to defraud the Governor and Company of the Bank of England, and for uttering and making use of the same, knowing them to be forged. William Garrow led for the Crown.

There was no mystery in the case. It was not denied that the stock had been sold, and the prisoner admitted that he had carried out the transaction. He declared, however, that he had acted in every case upon the instructions of the deceased, who had signed each power of attorney with his own hand, but, being an old man of eighty years of age and very infirm, the signature might appear to have changed.

His defence was an able and an eloquent one, the apologia of a skilful lawyer, and all the points in his favour were duly emphasised. Still, he was unable to rebut the evidence of one of the witnesses to the forged documents, who protested that the signature was not in his handwriting; nor could he produce the other witness, who was alleged by the prosecution to be a fictitious person. In these circumstances, the testimony of William Jeffreys, one of the trustees, who swore that, to the best of his belief, the power of attorney had not been executed by Captain Story, had a powerful influence upon the jury. There had been other incidents that pointed to the guilt of the accused man. In the correspondence that had passed between the executors and himself after the death of the testator, which was produced in Court, he had acknowledged the existence of the £7000 worth of 5 per cent. stock, and confessed that when it was converted the money had remained in his hands, declaring merely that he had not been given sufficient time to restore it.

After this damning admission the Court could place no

reliance in his contention that he had sold the stock at the bidding of Captain Story, and the judge summed up for a conviction. Many persons "in a respectable line of life" gave evidence to his character, but the jury returned a verdict of guilty, and he was condemned to death.

While awaiting his execution in Newgate the newspapers declared that he was a most exemplary prisoner. "He was frequently cheerful, but never seemed to lose sight of the awful situation in which he stood. If, however, he appeared at one time more depressed than at another, it was after parting with a female with whom he had lived for a length of time." Indeed, most of the old-time forgers seem to have been led to their ruin by feminine charms, and *dux fœmina facti* would not be an inappropriate epitaph for them all. Many of the young lawyer's clients continued to visit him in gaol. "Mr. Mellish,[1] the contractor, was one of his condoling friends. Mr. Tatlock was seldom away from him. The Reverend Dr. Parsons constantly attended him in his devotions and took much pains to prepare his mind to meet the awful moment that awaited him." On the day before his execution he wrote to one of his brothers, an officer in the Navy, requesting him to come and sit with him all night, as it would be the last that they would ever spend together, and "his coming to him seemed to afford him much satisfaction."

Henry Cock was hanged in front of Newgate on Wednesday, 23rd June, 1802, at a few minutes past eight o'clock in the morning, along with John Fennell and Edward Hartwright, who had also been condemned for forgery. According to the newspapers he ascended the platform "elegantly dressed in mourning," and "his manners and deportment" were said to be "of the most prepossessing kind." He conversed earnestly for a few minutes with the Catholic priest, who attended Fennell, and after the executioner[2] had placed the rope around

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[1] Peter Mellish, contractor for cattle, and Sheriff of London and Middlesex in 1798, died in Brunswick Square on 18th December, 1803; *Gentleman's Mag.* (1803), II., 1194.

[2] The executioner was probably James Botting; *Notes and Queries*, 10 S., VIII., 245.

his neck he made a short speech "in a firm and manly tone." The drop fell when the convicts had been on the scaffold only five minutes.

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(8) John Hadfield (1803).

Although an accomplished imposter, John Hadfield (not Hatfield, as the "Newgate Calendar" mis-spells his name) owes most of his celebrity to a romantic marriage, which brought him before the notice of Wordsworth, Coleridge, and De Quincey.

He was the son of William and Betty Hadfield, of Craddenbrook, Mottram-in-Longdendale, Cheshire, and was baptised at the parish church of Mottram, near Stockport, on 24th May, 1759.[1] After receiving "a fair education," he was apprenticed to the woollen trade, but soon showed that he had no taste for the drudgery of business. Little is known of his early career, but he is believed to have been in America (probably as a private in the Army) during the War of Independence, and upon his return to England, shortly after he had come of age, he married the illegitimate daughter of Lord Robert Manners-Sutton, son of a previous Duke of Rutland.[2] The lady's dowry seems to have been the motive of his choice, for in a little while he deserted her and came up to London with the remnants of her small fortune. Soon afterwards she died broken-hearted.

During the next twenty years he lived the life of an adventurer, relying on his wits. He engaged in shady financial transactions, and extorted money from women, with whom, owing to his good looks and charm of manner, he was a rare favourite. He lied and cheated and obtained credit by pretending to be a major in the Army, and by boasting of an intimate connection with the Rutland family. In 1782, when in the King's Bench prison, he is said to have induced the Duke of Rutland to pay his creditors, and upon being committed to the Marshalsea in Dublin two years later he prevailed upon the Duke, who was then Viceroy, and who pre-

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[1] "East Cheshire," by J. P. Earwaker, II., 136. The church register confirms this reference. His father, said to have been a clothier, must have been in good circumstances, for in 1760 he gave £20 to the poor.

[2] Lord Robert Manners-Sutton, died 20th November, 1762, second son of John, third Duke of Rutland. Assumed the name of Sutton upon succeeding to the estates of his maternal grandfather, Lord Lexington.

sumably knew nothing of the treatment of Mrs. Hadfield, to pay his debts for a second time. While in Ireland he acquired an insinuating brogue that was useful to him in his impostures.

One of his favourite devices was to live expensively at a hotel in one of the fashionable watering-places, and to disappear without paying his bill if the cards or dice were unpropitious. This trick led to his imprisonment once more in the year 1792. He had put up at an inn in Scarborough, announcing that he was going to canvass the town in the Manners' interest, and had won the confidence of his landlord by bursting into tears at the sight of an engraving of Reynolds's portrait of young Lord Robert Manners, the naval officer, who was killed in a battle at sea.[1] Not being able to settle his account, he was arrested and thrown into the local gaol. Here he remained a prisoner for nearly eight years, a more than sufficient punishment for all the swindles that he had perpetrated hitherto. During his long confinement he posed as a luckless aristocrat, writing poetry, and publishing much abuse against the authorities.[2]

At last, fortune favoured him again. A Devonshire lady, named Michelli Nation, who, it is said, occupied rooms facing the prison and who used to gaze at him through the bars, fell in love with the interesting captive, and paid his debts. On 13th September, 1800, the impostor became a free man, and on the next morning, notwithstanding that they had been strangers hitherto, he was married by licence to his benefactress in the parish church.[3] The pair made their home at Hele Bridge, near Dulverton, on the borders of Devon and Somerset, where the bride's father was steward to a neighbouring landowner.

It was impossible, however, for Hadfield to live a simple, honest life, and a year later he had committed a new fraud. By offering a deposit of £3000 he induced Messrs. Dennis & Co.—merchants of repute in the neighbouring town of Tiver-

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[1] Lord Robert Manners, captain, R.N., second son of John, Marquis of Granby, wounded on board H.M.S. "Resolution," off Dominica, under Lord Hood, on 12th April, 1782, and died on the voyage home.

[2] While in prison he wrote "A New Scarborough Guide," dedicated to John, fifth Duke of Rutland, and published by V. Griffiths, London, in 1797.

[3] Register of St. Mary's Church, Scarborough.

ton—to admit him as a member of their firm, having obtained the sum from a Mr. Nucella, of London, on the security of the partnership. But he had no intention of repaying the borrowed money, and at the general election of 1802 he endeavoured to force his candidature upon the town of Queenborough, with the object of obtaining immunity of arrest as a member of Parliament. In this he failed, and when the drafts that he had offered to Nucella became due, he was obliged to abscond from Devonshire, taking with him as much cash as he could lay his hands upon, and deserting his second wife as he had deserted the first. According to his wont he assumed a false name in order to baffle pursuit, masquerading as Colonel the Honourable Alexander Augustus Hope, M.P. for Linlithgowshire, the brother of the third Earl of Hopetoun. He was now forty-three years of age, tall, active, and strong-limbed, with a courtly demeanour and a great flow of words, very fond of paying compliments, and he had a habit of putting his hand to his heart whilst speaking. The contrast between his thick black brows and his fair hair, which was gathered in a club, the patch of grey over his right temple, and the fresh colour of his complexion, added to an appearance of singular attractiveness. Those were the days of the dandies and the pseudo-Colonel Hope was distinguished by the neatness and simplicity of the well-dressed man of fashion.

About the third week in July, 1802, he arrived at the Queen's Head in Keswick, travelling in his own carriage with hired horses, but no body servant, and announced that he was going to make a long stay. The poets had vaunted the praises of the Lake District and it had become a fashionable resort. As usual, Hadfield made himself extremely popular, having the knack of fascinating all whom he met. He struck up a friendship with John Gregory Crump, a wealthy Liverpool merchant residing at Grasmere, who showed his regard by christening his last baby "Augustus Hope" as a compliment to his new acquaintance. He became intimate with a fellow-tourist, named Colonel Nathaniel Montgomery Moore, who had represented the town of Strabane in the recently-extinct Irish Parliament, and began to pay the most marked attention to a pretty young lady of fortune, to whom Colonel Moore was guardian and who was one of his party.

Coleridge alone, amongst the residents of Derwentwater, seems to have been prejudiced against the adventurer from the first, not questioning his credentials, but regarding him as vulgar and noticing that his speech was often oddly ungrammatical.

In a little while Hadfield made an offer of marriage to the Irishman's ward, who accepted him joyfully; Colonel Moore, gratified that she had won a man of rank and wealth, gave his consent to the engagement, but requested his friend to inform Lord Hopetoun of the event, so that the betrothal should receive the formal sanction of the head of the family. Two months passed, and although the pretended Mr. Hope pressed for an early wedding, he did not produce a single letter from his relations. Colonel Moore began to grow suspicious. Hadfield was in the habit of paying frequent visits on horseback to the neighbouring lake of Buttermere, nine miles away from Keswick, declaring that he went there to fish for char. Local gossip, however, assigned another reason. It was whispered that he was attracted by the charms of Mary Robinson, the beautiful maid of the inn.

This young woman was the most celebrated innkeeper's daughter in the British Isles. Ten years previously a sentimental tourist named Joseph Budworth had stayed for a few days at her father's tavern, "a poor little pot-house, with the sign of the char," and, captivated by her prettiness —for she was then a graceful girl of fourteen with long brown curls, large innocent eyes, and a pink and white complexion—he had written a glowing description of her in a book that he published a little later, in which he styled her "Sally of Buttermere."[1] The book met with great success, being widely reviewed and passing into three editions, and Mary Robinson awoke one morning to find herself famous. Henceforth every tourist was as eager to catch a glimpse of the "Beauty of Buttermere" as to visit Scale Force or Lodore. Her father's inn became a place of popular resort. Verses in her praise began to cover the

[1] "A Fortnight's Ramble to the Lakes in Westmorland, Lancashire, and Cumberland," by a Rambler (J. Nichols), London, 1792, chap. xxx., p. 217. It was reviewed by the *Gentleman's Mag.* and the *European Mag.* in December of the same year.

white-washed walls, and artists flocked thither to sketch her portrait. Still, in spite of her celebrity she had remained a modest and unspoilt girl.

On Friday, 1st October, Hadfield sent a letter by hand to Colonel Moore from Buttermere, explaining that business called him to Scotland, and enclosing a draft for £30, drawn on Mr. Crump, of Liverpool, which he requested his friend to cash. The Irishman did so at once, out of regard, no doubt, for his ward, and forwarded £10 in addition, so that "Colonel Hope" might not be short of funds during his journey. On the next day the sensation of a lifetime burst upon the people of Keswick, for it became known that the handsome stranger had been married that morning by special licence to Mary Robinson at the church of Loweswater. Realising that it was impossible to capture his Irish heiress the dastardly John Hadfield had made the village beauty his prey. He had learnt that her parents had saved a couple of hundred pounds owing to the popularity of their little inn, and he intended to lay hands upon it.

Immediately after the wedding the newly-married pair set off for Scotland, but they only travelled a few miles across the Border, for a letter reached them at one of their halting-places, sent by the Rev. John Nicholson, the chaplain of Loweswater, intimating that a rumour was being spread that "Colonel Hope" was not the man he pretended to be, but an impudent impostor. Hadfield returned with his bride without a moment's delay, reaching Buttermere on Tuesday, 12th October. He perceived that he must persuade Mr. and Mrs. Robinson to entrust him with their savings at once, so that he might disappear with the loot before the inevitable discovery of his identity.

Next day, however, he was unmasked. While paying a visit to the Queen's Head at Keswick with his friend Nicholson, the parson who had married him, he was invited by a tourist named George Hardinge, who had arrived recently in the Lake District, to pay a visit to his private room. Here, to his surprise, a sort of judicial inquiry was held. Hardinge, who was a barrister and a justice of the peace, began by telling Hadfield bluntly that he was not the real Colonel Augustus

Hope, member for Linlithgowshire, with whom he was well acquainted. Colonel Moore and the local postmaster were called in, and both declared that the stranger had always posed as Lord Hopetoun's brother, and had franked letters as a member of Parliament. On the strength of this evidence the pertinacious Hardinge procured a warrant of arrest from a neighbouring magistrate, and the adventurer was placed in charge of a constable.

He was not in the least disconcerted, treating the whole matter as a joke, protesting that he was the victim of a stupid mistake. Having ordered dinner to be prepared at the hotel for Nicholson and himself, he strolled down the lane to the water's edge, and in a little while made a casual request to the constable to be allowed to go fishing on the lake. A crowd of sympathetic rustics had gathered around, every one of them full of wrath against his enemies, for they were sure that he was a great man, believing that an impostor could have no motive in marrying poor Mary. The constable, too, had confidence in him still, for he gave him permission to do as he asked. A boat was got ready, manned by a fisherman named Birkett, who had been Hadfield's factotum during the whole of his visit, and soon he was being rowed across Derwentwater. The short October day drew to a close and darkness fell upon the lake, but "Colonel Hope" did not return. Keswick never saw his face again.

Meanwhile the news of the wedding of the famous "Beauty of Buttermere" to the brother of an earl had appeared in the London newspapers. Coleridge, who was in residence still at Greta Hall, near Keswick, was a correspondent of the *Morning Post*, and an article from his pen was printed in that journal on 11th October, under the heading, "A Romantic Marriage." In a few days, however, he forwarded two more communications to his editor, bearing the title of "The Fraudulent Marriage."[1] The

[1] Three articles by Coleridge, which appeared in the *Morning Post* of 11th October, 22nd October, and 5th November, respectively, under the titles of "A Romantic Marriage" and "The Fraudulent Marriage," find a place in vol. II. of Coleridge's "Essays on His Own Times," edited by his daughter. Two subsequent articles, entitled "The Keswick Imposter," printed in the *Morning Post* on 20th November and 31st December, were, in all probability, also written by the poet.

identity of the mysterious "Colonel Hope" had been discovered. A parcel of letters was found by poor Mary Robinson in a dressing case that he had left behind, proving that her supposed rich and noble husband was a married man, none other than the notorious swindler, John Hadfield.

The impostor managed to evade arrest for nearly two months, while a hue and cry went after him. Night had fallen before he reached the far end of Derwentwater, but he was guided by his friend Birkett through the gorge of Borrowdale and up the Langstrath valley, which cleaves its way between Glaramara and Langdale Pike. In the darkness the journey was a terrific one—over rocks and boulders, along a broken path winding beside the mountain torrent, up the face of precipitous crags and across the Stake, "a fearful Alpine pass" high up in the hills, dividing northern lakeland from the south. From Langdale he struck west towards the coast and reached the seaport of Ravenglass on the estuary of the Esk, where he procured a seaman's dress and took refuge for a while in a sloop moored near the shore. Going by coach to Ulverston he continued his flight to Chester, where early in November he was seen at a theatre by an old acquaintance. Then he appears to have walked to Northwich, and for some days all trace of him was lost. An advertisement, describing his appearance and offering a reward of £50 for his arrest, was published in the newspapers, and distributed throughout the country. Finally, he was run to earth in South Wales, while staying at the Lamb and Flag, an old coaching inn, about seventeen miles from Swansea. He was lodged in Brecon gaol, and in a fortnight's time was brought up to London, appearing at Bow Street before Sir Richard Ford on 6th December.

Crowds flocked to the police court to get a sight of him, for the publicity that had been given to his case had made him a popular celebrity. Maintaining his impudent swagger, he demanded a private room at Tothill Fields Bridewell, as he objected to be hearded with common pickpockets. His attire is described as "respectable, though he was quite *en déshabille*," his dress being a black coat and waistcoat, fustian breeches and boots, while he wore his hair tied behind without

powder. Most pathetic was the loyalty of the wife and benefactress, whom he had used so cruelly. The poor woman, who was the mother of two children, travelled up from Devonshire to spend Christmas day in prison with her unfaithful husband.

The sympathy of the public, however, was devoted to Mary of Buttermere, who, it was learnt, was going to have a child. Contemporary newspapers show that she became the heroine of the hour. She was the theme of ballads in the street; her sad story was on every lip. A subscription for her relief was started, her father having been reduced almost to ruin owing to the loans that he had advanced to the imposter. "Sir," she wrote to the Bow Street magistrate, when he demanded her evidence, "the man whom I had the misfortune to marry, and who has ruined me and my unhappy parents, always told me that he was the Honourable Colonel Hope, the next brother to the Earl of Hopetoun."

Early in the new year Hadfield was committed to Newgate, but a long interval elapsed before he was sent north to stand his trial, and he did not reach Carlisle gaol until 25th May, 1803. At the next Assizes, on 15th August, he was arraigned before Sir Alexander Thompson, nicknamed the "Staymaker," owing to his habit of checking witnesses, a stern judge, who tried the Luddite rioters of Yorkshire and Lancashire a few years later.

The prisoner stood charged upon three indictments:—

(*a*) With having drawn a bill of exchange upon John Gregory Crump for the sum of £20, under the false and fictitious name of the Honourable Alexander Augustus Hope.

(*b*) With having forged a bill of exchange for £30, drawn upon John Gregory Crump, and payable to Colonel Nathaniel Montgomery Moore.

(*c*) With having defrauded the Post Office by franking letters as a member of Parliament.

Only the first two were capital offences, the third being punishable with seven years' transportation.

James Scarlett, afterwards Baron Abinger,[1] appeared for

[1] James Scarlett, first Baron Abinger (1769-1844).

the Crown, and Hadfield was defended by George Sowley Holroyd[1] and James Topping.[2] The principal witnesses for the prosecution were George Wood, landlord of the Queen's Head, Keswick; the credulous and trusting John Nicholson, chaplain of Loweswater, and Mr. Crump, the merchant from Liverpool. The prisoner bore himself in a calm and dignified manner, taking copious notes, and offering suggestions to his counsel. In his address to the jury he declared—"Whatever will be my fate I am content, but I will solemnly declare that in all transactions I never intended to defraud or injure any one."

The trial lasted from eleven o'clock in the morning until seven o'clock at night. Very properly, the judge would not accept the plea set up by the defence that the financial position of the accused man was a guarantee that no fraud was meditated, and, after a consultation of ten minutes, the jury returned a verdict of guilty. At eight o'clock the following morning, the convict was brought back to Court and condemned to death.

On the day of his sentence, Wordsworth and Coleridge, who were passing through Carlisle, sought an interview with him. While he received the former, as he had received all who wished to see him, he denied himself to Coleridge, which makes it clear that he had read and resented the articles that had appeared in the *Morning Post*. Some years afterwards Wordsworth made reference to Hadfield and the "Beauty of Buttermere" in Book VII. of "The Prelude," alluding to a drama that he had seen at Sadler's Wells Theatre, in which her story was told.[3] De Quincey also wrote a picturesque, but strangely inaccurate, account of the sad romance.

The execution of John Hadfield took place on Saturday, 3rd September. It was four o'clock in the afternoon when the procession started from the prison amidst an immense con-

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[1] Afterwards Sir George Sowley Holroyd (1758-1831), judge. He presided at the famous trial of Abraham Thornton for murder, at Warwick, on 8th August, 1817.

[2] James Topping, Attorney-General of the County of Lancashire, died at Watcroft Hall, Cheshire, 12th January, 1821.

[3] This was the favourite burletta, "Edwin and Susan," produced at Sadler's Wells on 11th April, 1803. *Vide* "Collections Relative to Sadler's Well Theatre" (Brit. Mus.), Crach. I., tables 4-5 (b), vol. III.; *cf. Notes and Queries*, 10 S., III., 352.

course of spectators. The condemned man occupied a post-chaise ordered from the local inn, and a body of yeomanry surrounded the carriage. The gallows—two posts fixed in the ground, about six feet apart—had been erected during the previous night on an island in the River Eden, known locally as the Sands, on the south side of the town, beyond the Scotch gate, and between the two bridges. A small dung-cart, boarded over, stood beneath the cross-bar, Tyburn fashion, in lieu of the new drop. The hangman had been brought from Dumfries.

Hadfield met his fate with the heroism which great criminals invariably exhibit. Aged since his arrest, for he had been in prison nearly ten months, he is described as "looking at least fifty." When he alighted from his carriage he seemed faint and exhausted, but this was due to physical infirmity and not to fear. His calmness and resignation won the pity of the vast crowd, bitterly hostile to him a short time before. It was remarked that he had still an air of distinction and was neatly dressed. Just before he was turned off he was heard to murmur—"My spirit is strong though my body is weak." By some accident the rope slipped twice and his feet almost touched the ground. Yet, we are told that he seemed to die in a moment, without a struggle, and did not even raise his hands. An hour and a half later he was lying in a grave in St. Mary's churchyard.

Mary Robinson's child was born early in June, 1803, but did not survive its birth. In the course of time she was wooed and won by a Cumberland "statesman" named Richard Harrison, to whom she was married at Brigham Church on 31st March, 1808. Two of her sons, born at Buttermere, where she resided for a period after her marriage, died in infancy, but when her husband took her to his farm at "Todcrofts," Caldbeck, beyond Skiddaw—where the Harrison family had been "statesmen" for generations—she became the mother of five more children, three daughters and two sons, all of whom grew up and married. In later years it was remarked that her girls were as pretty as Mary had been herself when she was the maid of the inn. She died of cancer in her home at "Todcrofts" on 7th February, 1837, in her fifty-ninth year.

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(9) Joseph Blackburn (1815).

The trial and execution of Joseph Blackburn, the Leeds attorney, aroused the greatest interest in the north of England, owing to the position and popularity of the criminal. He was the son of Robert Blackburn, a man of some consequence in his little world, and was baptised at the parish church of Rothwell, near Leeds, on 27th March, 1765.[1] After leaving school, he was articled to a solicitor, and eventually set up in practice for himself. On 8th August, 1793, he was married to Miss Anne Hemingway, a native of the same village, an amiable lady who belonged to a well-to-do family.

He was successful in his profession, becoming one of the most prosperous lawyers in the city of Leeds. "No man living," we are told, "enjoyed more generally the credit of integrity and respectability than Mr. Blackburn." But at last he began to lead a double life, and had many clandestine love affairs, although he contrived to hide his irregularities both from Mrs. Blackburn and from the general public. In consequence of his dissipations, his expenditure was soon in excess of his income.

On 14th December, 1814, after having been in practice for twenty years, "during which nothing had tarnished his reputation or blackened his fame," a man named George Jacques, who had formerly been his clerk, laid an information against him before the magistrates for removing stamps from old deeds and placing them upon new ones.[2] Jacques had been discharged from his service for dishonesty and was being threatened with prosecution. In consequence of this accusation Blackburn's office was raided by the police, who believed that they had discovered incriminating evidence, and so the lawyer was arrested and taken to York Castle.

The trial took place at York on Saturday, 18th March, 1815, before Sir Simon le Blanc. The counsel for the Crown were Mr. James Alan Park,[3] Mr. Topping, Mr. Wailes, and

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[1] Rothwell Church Register.

[2] *Leeds Mercury*, 1st April, 1815.

[3] Afterwards Sir James Alan Park (1763-1838), Justice of the Common Pleas, who tried Henry Fauntleroy.

Mr. Richardson; while the prisoner was defended by Mr. James Scarlett, Mr. Joseph Littledale,[1] and Mr. Williams He was arraigned under various indictments, charging him with forging and counterfeiting the impression of a certain stamp or die, used under the direction of the Commissioners of Stamps, to denote the payment of certain duties imposed on various deeds and other securities, and with feloniously removing stamps from executed deeds and transferring them to others, with an intent to defraud the revenue. The particular indictment, selected as the subject of his trial, accused him of forging a £2 stamp upon a mortgage deed of £180.

In opening the case for the prosecution James Alan Park expressed his regret that it had fallen to his lot to appear against Mr. Blackburn, a man whom he had known long and well, and who had conducted many actions in which he had been retained. He proceeded to explain that the stamp in question had not been affixed to the deed at the stamp office, because the parchments which passed through the stamping engine had a visible impression of the stamp on the back of the skin, which was not the case in this deed. It must have been transferred from some other document. Moreover, the prisoner had employed an engraver at Leeds to make several dies, "suitable for making any impression resembling the words which denote the value that are upon the stamps used by the Commissioners," and the numerals and words "II." pounds impressed upon the stamp of the particular deed, was an impression of one of these dies. When the officers of justice had searched Mr. Blackburn's house they had found a box containing the dies along with a number of odd deeds from which the stamps had been cut off. It was obvious that the accused man would benefit by taking the stamps from old instruments and affixing them upon new ones, as he would put into his pocket the whole amount of the duty, since naturally he would charge the nominal value of the stamps to his clients.

[1] Afterwards Sir Joseph Littledale (1767-1842), Judge of the King's Bench. He presided at the trial of Maria Forbes, *alias* Fox, at Lewes Assizes, in April, 1827.

The evidence of two high officials from the stamp office in London told heavily against the prisoner, for neither of them had the least hesitation in declaring that the denomination of the £2 stamp on the mortgage deed for £180 had been altered, the numeral "II." and the word "pounds" not having been impressed by the stamp used by the Commissioners. They stated also that no stamp was ever printed on a separate label, detached from the papers or parchment on which the instrument was to be executed.

In the cross-examination of other witnesses, however, several facts were elicited that weakened the case of the prosecution. It was shown that Jacques, the clerk, who admittedly had a grudge against his old employer, might have been implicated in placing the dies and the old deeds in the position in which they were found. It was suggested also that the stamp on the mortgage deed of £180—which had been kept in an unlocked box—might possibly have been damaged accidentally, making it appear as though some one had tampered with it. Yet, counsel for the prisoner were unable to explain why it had been *pasted* on the instrument and had not been impressed upon the parchment in the government office in the usual way. All the objections, too, that were raised by Scarlett and his colleagues upon points of law were overruled by the judge, who seems to have been satisfied from the first that the Leeds attorney was a guilty man.

Blackburn, who, we are told, was dressed in a suit of mourning, with his hair powdered, made an inadequate defence, "labouring under great and evident emotion." There was some point, perhaps, in this complaint that he had been unaware of the nature of the charge against him until he heard the indictment read in Court and that, as his account books had been taken away when his house was searched, he had no means of tracing the deed in question or of proving where the stamp was bought. But he could suggest no reason why the £2 stamp had not been impressed upon the parchment, nor explain why such a large number of spoilt stamps, cut off from the original documents, had been found in his possession.

These circumstances, in conjunction with the collection of dies that had been made to his order, were regarded by

Sir Simon le Blanc[1] as conclusive evidence, and he summed up dead against the accused man. Consequently, after an absence of less than a quarter of an hour, the jury returned a verdict of guilty. During the whole day the Court was crowded to excess, the greatest interest having been excited amongst the inhabitants of Leeds, many of whom attended the trial. Blackburn is said to have "conducted himself with great propriety," although much agitated upon learning his fate. At the close of the Assizes, on Wednesday, 22nd March, he was sentenced to death, when he seemed "convulsed with agony" and had to be carried from the dock.

Great efforts were made to obtain a reprieve. A petition was signed by the people of Leeds, and Mrs. Blackburn posted to London with the intention of throwing herself at the feet of the Prince Regent to beg for the life of her unhappy husband. In this she failed, and Lord Sidmouth, the Home Secretary, was obdurate. Sir Simon le Blanc, who had gone on to the Assizes at Lancaster, also declined to interfere, although fresh evidence was submitted to him.

When all hope was gone, Blackburn "proceeded anxiously and ardently to apply himself to his religious offices." The Rev. Richard Hamilton,[2] the young minister of "the Scotch chapel" in Albion Street, Leeds, succeeded in winning the affection of the doomed man more completely than the Ordinary of the prison,[3] obtaining a confession that he was guilty of the crime for which he had been condemned. The poor wretch declared that "the irregularities of his past life had been so great as to have deserved that death which had been awarded against him for an offence of a different nature."

He was led out to execution on "the new drop behind the Castle walls" at half-past eleven on Saturday, 8th April. Upon reaching the scaffold he knelt down upon a low stool with his back to the spectators, whilst Mr. Hamilton prayed with him for awhile. When it was time for him to rise

[1] Sir Simon Le Blanc, one of the judges of the Court of King's Bench, died in Bedford Square, London, on 15th April, 1816, in his 68th year.

[2] Richard Winter Hamilton (1794-1848), chosen minister of the Albion Independent Chapel, Leeds, in January, 1815.

[3] Reverend — Richardson of York.

he had to be assisted by the gaolers, who supported him in their arms while the rope was placed around his neck. The execution was sadly bungled. When the drop fell the noose slipped and "he appeared much convulsed." After he had hung for about two minutes the hangman endeavoured to replace the cord, but it was not until six or seven minutes after the platform had fallen that his struggles ceased.[1]

His body was delivered to his friends and was buried at an early hour on Monday, 10th April, in the parish churchyard of Rothwell, his native village. On the following Sunday, when it was announced that the Rev. Richard Hamilton would preach a funeral sermon in his chapel, the building was beseiged by such an enormous crowd that an adjournment had to be made to the Mixed Cloth Hall of Leeds, where the clergyman delivered his address.

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Sermon preached at Leeds, 16th April, 1815, on the occasion of the execution of Mr. Joseph Blackburn, attorney-at-law, for forgery, with details of conversation with him during his imprisonment, by Richard Winter Hamilton. Printed for Longman, Hurst, Rees, & Orme, London; and Robinson, Son & Holdworth, Leeds.

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"Chronicles of Crime," Camden Pelham, I., 575-588.

"History of Rothwell," John Batty, pp. 104, 130.

"Criminal Chronology of York Castle," William Knipe, p. 155.

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[1] The hangman was probably William Currey, who held the office at York Castle for many years.

(10) Famous Forgeries after the Execution of Fauntleroy to the Abolition of the Death Penalty, 1824-1837.

Henry Savary,	1825
Captain John Montgomery,	1828
Joseph Hunton,	1828
Rowland Stephenson,	1828
Thomas Maynard,	1829

There were many notable convictions for forgery after the death of Henry Fauntleroy, and the criminal code remained unaltered for several years.

On 4th April, 1825, Henry Savary, aged thirty-three, the son of a banker, was condemned to death at the Bristol Assizes by Lord Gifford for forging a bill of exchange for £500. The case is remarkable for the fact that the accused man insisted upon pleading guilty, although warned by the judge not to allow any hope of a reprieve to affect his decision, and that the prosecutor made an impassioned appeal for mercy. Notwithstanding Lord Gifford's stern declaration—for he told the prisoner that "the scene of life must shortly close upon him"—the sentence ultimately was commuted to transportation. There were some mitigating circumstances that had influenced the authorities, the crime being a single one and having occasioned little loss to anybody. Still, Savary was lucky in his escape.[1]

Three years later another case of forgery aroused much public interest owing to the position of the family of the criminal. He was a Captain John Burgh Montgomery, the son of a magistrate in County Kildare, Ireland, and he had seen active service in Spain under Sir John Moore. From his youth he had been an unscrupulous and dissipated fellow, and after leaving the army at the termination of the Peninsular War he lived by fraud. Being handsome and well-bred, with the aplomb and plausibility of a typical Irish adventurer, he was a most successful swindler for a considerable period.

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[1] "The Newgate Calendar," Knapp & Baldwin (1824-1828), IV., 397.

Early in his career he counterfeited the signature of the Honourable Mr. Neville, M.P. for Kildare, imitating his handwriting so perfectly that the victim himself would have been unable to detect the forgery unless he had remembered that he had never signed such a document. Young Montgomery, however, was not prosecuted, on account of the respectability of his relations, but he was obliged to leave his native land. Coming up to London, he pretended to be a man of fortune, and, mixing in good society, he imposed upon numbers of credulous dupes. Occasionally he had long periods of prosperity after the accomplishment of some clever fraud, but there were many times when he was in the greatest poverty. He was often in gaol for debt, once in Newgate, and afterwards in the King's Bench, where he was immured for three years. After his discharge from the latter prison he became engaged to a rich heiress by posing as his brother, Lieutenant-Colonel Montgomery, a soldier of distinction, and the trick was not discovered until the eve of the wedding. Subsequently he sank lower and lower in the social scale, associating with professional thieves and obtaining a livelihood by passing forged bank notes. It was his custom to assume many *aliases*.

For a long time he escaped detection, but at last suspicion fell upon him, and he was arrested on 1st April, 1828, while attempting to pass a forged £10 note at the shop of William Newby, in Southampton Row, in payment for half a dozen silver spoons. At his trial at the ensuing Old Bailey Sessions on 29th May he pleaded guilty, "declaring that he had made up his mind to suffer the punishment due to his crimes," and he was sentenced to death. While awaiting his doom in Newgate he appeared contrite and resigned, paying the most earnest attention to all that was said to him by Mr. Cotton, the Ordinary, becoming, in consequence, one of his favourite prisoners. On the evening of the day appointed for his execution he wrote several farewell letters, one of which was addressed to the celebrated Edward Gibbon Wakefield, who was then serving a sentence in Newgate for the abduction of an heiress. At the hour of locking up he was searched as usual by Harris, the turnkey, to whom he bade good-night with his customary cheerfulness.

On the next morning, Friday, 4th July, when the door of his cell was opened he was found lying dead in his bed. He had taken a dose of prussic acid, a phial of which he had managed to conceal from his jailors, and it was then remembered that he had always boasted that he possessed "an antidote against disgrace." We are told that "the sensation created by this discovery was extraordinary," for it was a long time since a convict had been clever enough to cheat the gallows in this manner. A coroner's inquest was held on the following day, when a verdict of *felo-de-se* was returned, and the remains were interred at ten o'clock at night in the graveyard adjoining St. Sepulchre's church.[1]

This same year of 1828 is memorable in the annals of forgery for the trial and execution of Joseph Hunton, a Quaker. He had been in prosperous circumstances, for, having met with success as a ready-made clothier at Yarmouth, he opened a large shop at Bury St. Edmunds, and also set up in business as a sugar-baker in London. Selling all these concerns at a profit, he entered into partnership with Messrs. Dickson & Co., a firm of merchants in Ironmonger Lane, and he married a wealthy heiress. At one time he was reputed to be worth £30,000. He lived at Leytonstone, in Essex, where he kept a large establishment, and was regarded by his neighbours as a worthy but somewhat eccentric individual. He was a little man, with a voice that was strangely shrill and effeminate, and he always wore the dress of the Society of Friends.

In an evil moment he commenced to speculate upon the Stock Exchange, and his losses were so considerable that his colleagues, in alarm, insisted upon a dissolution of partnership. Thus Hunton found himself without occupation, and being compelled to realise all his assets in order to avoid bankruptcy, he was soon in a state of great embarrassment. As a temporary relief he committed the frauds that brought him to the scaffold. His methods were the ordinary devices of the forger. He began to circulate bills of exchange, which were

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[1] "Chronicles of Crime," Camden Pelham (1887), II., 144-146; "Chronicles of Newgate," Major Arthur Griffiths, II., 301, 302; "Autobiography of a Stage Coachman," Thomas Cross (Kegan Paul), 1904, II., 15-19.

accepted at first without question, and then were discovered to be spurious. Inquiries were made by the Committee of Bankers for the Prevention of Frauds and Forgeries, and a warrant was issued for the arrest of the suspected man.

Aware that his crimes had been discovered, he took to flight, but was traced to Plymouth and arrested on board the *Leeds* packet, which was about to sail for New York. He had shed his Quaker garb, being dressed in a light green frock coat, a pair of light grey pantaloons, a black stock, and a forage cap. Having been brought back to London, he was tried twice at the Old Bailey Sessions on two separate charges of fraud—on 28th October, for forging a bill of exchange for £162 9s., with intent to defraud Sir William Curtis & Co., and on 4th November, for forging a bill for £94 13s. He was found guilty on both indictments, and, in spite of a recommendation to mercy by the jury, he was condemned to death.

It was not believed that the sentence would be carried out. The agitation in favour of a reform of the criminal code, which had been continued successively for many years by Sir Samuel Romilly and Sir James Mackintosh, had won many converts, and public sentiment was hostile to the infliction of the death penalty except in the case of wilful murder. The Society of Friends, too, possessed much influence in the banking world, and great efforts were made to save the life of the condemned Quaker. Hunton, however, abandoned hope. When he first entered Newgate he declared, "I wish, after this day, to have communication with nobody. Let me take leave of my wife and family and friends. I have already suffered an execution. My heart has undergone that horrible penalty."

Throughout his imprisonment he showed the utmost courage and resignation, listening patiently to the homilies of the Ordinary, and passing much of his time in prayer with the elders of his sect. When he learnt that he was included in the recorder's report he bore the news with fortitude, but deplored the inhumanity of the laws that consigned him to death for an act "not deserving the name of fraud." Two members of the Society of Friends sat with him during the whole of the last night, and another, Mr. Sparks Moline, of Leadenhall Street, attended him to the scaffold. He met his fate

"with unshaken firmness at eight o'clock on the morning of Monday, 8th December, 1828." Two burglars and a man convicted of attempted murder were hanged at the same time.[1] John Foxton, who died two months later, was the executioner.[2]

In the year 1828 the gigantic frauds of Rowland Stephenson were discovered. He was head of the old-established banking house of Remington & Co., of 69 Lombard Street, and had been returned as M.P. for Leominster at the general election of 1826. He was also the treasurer of St. Bartholomew's Hospital and lived at Marshalls, a large country seat, near Romford, in Essex, where he kept "a princely establishment," entertaining lavishly. It was known that he was fond of high play at the gaming table, but no one suspected his integrity, and he was regarded as a very rich man. In reality he had been in financial difficulties all his life, but being a plausible scoundrel he had maintained his position, like Fauntleroy, by making use of the deposits of his customers.

Early in December, 1828, there were rumours that Messrs. Remington & Co. were in difficulties, which led to the withdrawal of many large accounts, and it was feared that the house in consequence might have to suspend payment. An inquiry being demanded, an investigation was made by five leading bankers, who not only declared their belief that the firm was entirely solvent, but each advanced the sum of £20,000 on the securities in the possession of the establishment. The judgment of these eminent financiers proved to be wholly wrong. On the 29th of the month, the greatest consternation was caused in the city by the news that Rowland Stephenson had disappeared, together with his head clerk Lloyd, taking with him a large sum of money. He had spent the night at his rooms in St. Bartholomew's Hospital, leaving the place secretly at four o'clock in the morning, and fled to the west coast. On the next day his bank closed its doors,

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[1] "Chronicles of Crime," Camden Pelham, II., 161-166; "Chronicles of Newgate," Major Arthur Griffiths, II., 302-304; "The Life and Times of James Catnach," Charles Hindley, p. 190.

[2] Foxton died on 14th February, 1829. *Gentleman's Mag.* (1829), I., 282.

and its liabilities proved to exceed its assets by nearly £200,000.

The escape of the rascal was a remarkable one. He made his way to Clovelly, in Devonshire, where he remained for three days, but was tracked down by Mr. Cope, the City Marshal, and two police officers, who had received information of his whereabouts. On 2nd January, 1829, a few hours before the arrival of his pursuers, he left in a skiff for Milford Haven, whence he proceeded to Angle Bay, a small inlet in the harbour, where he found a vessel, the brig "Kingston," which was about to make the voyage to America. Since the captain was unaware of his predicament he had no difficulty in getting a passage, and two days later, on Monday, the 5th of the month, he set sail for Savannah, in Georgia. He took with him £70,000 in specie.

News of his misdeeds had reached the United States before his arrival on 27th February, and, being recognised immediately, he was put under arrest. A large sum had been placed on his head by the British Government, and, in addition, the notorious Joseph Wilfred Parkins, who seems to have been one of the unfortunate depositors in every fraudulent bank, offered a reward of 1500 dollars for his apprehension. It was found impossible, however, to obtain his extradition. The Courts in New York declared that his arrest was illegal, and ordered him to be set at liberty. Subsequently, he was detained on the suit of the "XXX Sheriff" and lodged in a debtor's prison, but in a few weeks he was discharged.[1]

The year 1829 saw the last of the executions for forgery, and this event took place on the last day of the year. The culprit was Thomas Maynard, who had been a clerk in the Custom House. Having access to the official records, he had managed to forge a warrant for £1973, and was paid the money by the Comptroller-General. There were two accomplices, but Maynard was the only one to suffer death. He was hanged at the Debtor's Door, outside Newgate, on 31st December.[2]

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[1] "Mysteries of Police and Crime." Major Authur Griffiths, II., 379-80; "Handbook of English Bankers," F. G. Hilton Price, pp. 117-18; *Gentleman's Mag.* (1829), I., 78, 361; "History of Banking," W. J. Lawson, pp. 252-255.

[2] The executioner was either Thomas Cheshire or William Calcraft. *Notes and Queries*, 10 S., VIII., 246.

Henry Fauntleroy.

On 1st April, 1830, Sir Robert Peel, the Home Secretary, introduced his motion for consolidating the laws relating to forgery. His proposals, however, did little to mitigate the severity of the criminal code, for no fewer than forty kinds of fraud remained punishable by death. But public opinion demanded a drastic amelioration of the penal system, and on 7th June, when the Forgery Bill was read for the third time, Sir James Mackintosh, who had laboured for many years in the cause of mercy, moved an amendment to abolish capital punishment in all cases of forgery, except the forging of wills and powers of attorney. He was supported by a petition, signed by a thousand members of banking firms throughout the country, and, as a formidable agitation for a reform of the code had been carried on in the press, led by the *Morning Herald*, the House was prepared to bow to popular opinion. After a lengthy debate, Mackintosh's amendment was carried by 151 votes against 138, whereupon Sir Robert Peel agreed to accept the amended clauses, but expressed his belief that "the time was not far distant when they would be compelled to retrace their course." The new law, however, did not pass the House of Lords, where the death penalty was re-enacted.

Still no sentence of death was carried out for the offence, and on 23rd July, 1832, Sir Thomas Denman, the Attorney-General, introduced a bill to abolish the extreme penalty in all cases of forgery, and to substitute severe secondary punishment. It was read for a third time and passed by the Commons on the 31st of the month; but, on 14th August, when a report upon the measures was brought up in the House of Lords, an amendment was agreed to (against the declared opinion of Lord Chancellor Brougham) *exempting from its provisions all persons convicted of forging wills or letters of attorney for the transfer of stock.* With this alteration the bill was passed on the following day. "In other words," says Major Griffiths, "the House of Lords had advanced in 1832 to the point at which the Lower House had arrived in 1830." The forgery of wills and powers of attorney, which the peers still thought were crimes worthy of death, had been made capital offences in the years 1729 and 1720 respectively;[1] and,

[1] Stats. 2 Geo. II., c. 38, and 8 Geo. I., c. 22. Blackstone's Commentaries (1769), IV., 246-247.

of Fauntleroy's Marsh,
and co-heir of J

JOHN
of Fauntleroy's Marsh, son and heir, mar. Isabel, dau. of Henry Burnell of Pointon, County Somerset.

WILLIAM
Doctor of Divinity. 2nd son.

of Fa
to M
Joan
1539.
VIII

PETER
Mar Philippa, dau. of Thomas Flamank, of Littlebury, Essex.

BRIAN
Eldest son, executor to his father in 153
Buried in 1595.

WILLIAM
Mar. Cecilia, dau. of James Baynes of Torkesey, Lincoln, who died 1592. She died 1581. No issue. [Hist. of Dorset. John Hutchins. iv. 180-1.]

HENRY
of Snodenton, in parish of Skipton Bel
ampton, Gent. Will dated 18 Ju
Margaret. Adminn. granted 14 Feb., 1

JOHN
of Crondall, Gent. Baptd. there 3 Jan., 1588. Buried at Headley, Co. Hants, 11 Nov., 1644. Mar. Phœbe Wilkinson at Headley 5 Sept., 1609. She was buried there 29 Sept., 1629.

GEORGE
Baptd. at Crondall, 5 April, 1589.

Baptd. at C

MARGERY
Baptd. at Crondall, March, 1611.

MARY
Baptd. at Crondall, 7 April, 1613. Mar. at Headley, 20 Jan., 1642, to Daniel Upsdale.

MARGERY
Baptd. at Headley, 27 Dec., 1624. Mar. at Odian to Anthony Pickering, 31 Oct., 1664. Will proved 16 May, 1702.

A
Baptd. at Headley,
at Odian, Hants,
Cheney. Re-marri
1679, to Jasper Cot

THOM
of Boreham. Ge
there 28 July,
proved 25 Aug
Fagg). Mar. Fra

THOMAS
A Minor, 1713.

JOHN
A Minor, 1713.

of Virginia St., in the
East, Merchant, died
Bunhill Fields, aged
Thomas Payne of Boreh
4 and buried 10 June, 1

WILLIAM
of Berners St., in the parish of St. Marylebone, Banker, only surviving son, born 25 Nov., 1749, died 22 March, 1807. Bur. at Bunhill Fields. Mard. Elizabeth, dau. of Ravel Kerie of the Island of St. Christopher. Born 8 July, 1758, mar. at St. Mary's, Whitechapel, 17 June, 1780. Died in Regent St. 13 April, 1826. Burd. at Bunhill Fields.

HENRY
Born 15 Dec., 1733. Died unmarried in 1778 Bur. at Portsmouth.

ELI
Born 31 July, 17
Street

WILLIAM MOORE
Born 22 April, 1781. Died 5 Nov., 1803, in Berners St. Burd. in Bunhill Fields.

HENRY
Born 17 May, 1783. Died 1 July following. Bur. at Bunhill Fields.

HENRY FAUNTLEROY
of Berners St., Banker, eldest surviving son. Born 12 Oct., 1784. Mar. Susannah Marianne, dau. of Capt. John Young, R.N., in 1809. Hanged at Newgate 30 Nov., 1824.

JOH
2nd survivi
Attorney M
Horley, Su
1850.

HENRY
changed his name to Henry Malcolm. Born Oct. 19, 1809. Baptised in the C
the Martyr, Tunbridge Wells, Dec. 6, 1809. Educated at Hyde Abbey Scho
Tonbridge School, Kent. B.A. St. John's Coll., Camb., 1833. Rector of St. Mary
1844-1895. Died Jan. 15, 1895. Married 31 July, 1849. Four daughters.

Pedigree of Henry Fauntleroy. College of Arms.

JOHN FAUNTLEROY

h the County of Dorset, Gent., mar. Joan, dau.
hn Walsh, in the County of Dorset, Gent.

TRISTRAM
ntleroy's Marsh, 3rd son. Came
chel's Marsh, Co. Hants, mar.
dau. of Lord Stourton. Died
Will dated 25 July, 30, Henry
Proved 26 Dec. following.

AGNES
Mar. Edward Lord Stourton.

ELIZABETH.
Abbess of Amesbury.

JOHN
9. Mar. Dorothy. of Crondall, Co. Southampton. Buried at Crondall, 19 Feb., 1598.

WILLIAM
linger, Co. South-
ne, 1578. Mar.
578.
of Crondall. Gent. Supposed to be the person appointed one of the Overseers to the Will of Henry Fauntleroy, "Cousin William Fauntleroy of Crondall." Buried at Crondall, 4 Jan., 1625.

MARY
rondall, 7 Dec., 1580.

FRANCES
Baptd. at Crondall, 23 April, 1597.

ANNE
Baptd. at Crondall, 15 Aug., 1590.

NNE
19 March, 1625. Mar.
Dec., 1650, to Robert
ed at Odian, 27 July,
nan, New Allesford.

HENRY
of Isleworth, Middx, of Clifford's Inn, London. Prothonotary of the Police Court. Baptd. at Headley, 13 Sept., 1630. Will proved 6 Mar., 1687. Mar. Martha, dau. and co-heir of Gilbert Barrett of Isleworth, Middx.

THOMAS
of Calver's Grove, in parish of Boreham, Co. Essex, Gent. Baptd. at Headley, 2 Sept., 1621. Will proved 7 June, 1692. Mar. Beatrice, who was buried at Boreham, 20 June, 1706.

AS
nt. Baptd.
1664. Will
1715 (158
nces.

JOHN

BEATRICE
1679.

ELIZABETH
Baptd. at Boreham, 31 Dec 1661.

HENRY
parish of St. George's in the
and bur. 10 Feb., 1757, in
9. Mar. Elizabeth, dau. of
am Place, Co. Essex, who died
74, in Bunhill Fields, aged 61.

WILLIAM
Burd. at Boreham 13 June, 1707.

ROBERT
died Feb. 1779. Buried in Baptist Burial Ground, Maze Pond, Southwark. Mar. Anne, dau. of William Lepard of Rotherhithe, Surrey, and widow of — Mason. She died Aug. 1777. Burd. in Baptist Meeting Ground, Southwark.

ABETH
8. Mar. Capt. Joseph
of Islington.

THOMAS
of Tooley St., Southwark. Merchant. Born 15 April, 1751. Burd. in the Baptist Burial Ground in 1813. Mar. Elizabeth, dau. of Capt. William Viner at Brighton, 20 May, 1777.

JOHN
Gent. Second Son. Born 13 March 1753 (Living in 1826). Mar. Hannah.

JULIUS
son. Admitted
y 1816, buried at
rey, March 27,

RAVEL KERIE
Born 10 Dec., 1795. Died 17 Feb., 1797. Buried in Bunhill Fields.

ELIZABETH
Born 25 March, 1789. Married Capt. James Wood of the Marines. Died at Mason's Bridge, Horley, Surrey, circa 1864. (No issue).

MARY GORDON
Born 30 April, 1792. Died 8 Mar., 1797. Burd. at Bunhill Fields.

apel of St. Charles
, Winchester, and
s, Dunblane, N.B.,

Kindly supplied by Sir Henry Farnham Burke, K.C.V.O., Garter King of Arms.

since scarcely a dozen persons of gentle birth had been convicted of these offences over a period of a hundred years, there was some reason to regard the penalty as a deterrent.

Nevertheless, although there were six convicts under sentence of death for forging wills in Newgate at the time when Denman's Forgery Act was passed, every one of them was reprieved. The Great Reform Bill of 1832 had become law, and the Government was not disposed to inflict the extreme penalty at the bidding of the Lords, and in defiance of the expressed will of the Commons. Five years elapsed before the code was altered, but no one was ever again hanged for any kind of forgery. In 1833 the Criminal Law Commission was appointed, and while it was considering its report, William Ewart continued his efforts for the amendment of the penal statutes. Finally, in 1837, Lord John Russell brought in a bill to abolish capital punishment in all cases of forgery, which became law in July of the same year.

There remained, however, many offences that were still punishable by death—

1. High treason.
2. Murder.
3. Attempted murder by poison.
4. Attempted murder by stabbing, cutting or wounding.
5. Rape. (Death penalty abolished in 1841.)
6. Unnatural offences.
7. Piracy.
8. Robbery, with an attempt to murder.
9. Burglary, with an attempt to murder.
10. Setting fire to a dwelling-house, any person being therein. (Death penalty abolished in 1861.)
11. Destroying a ship or vessel.
12. Exhibiting any false light or signal with intent to bring any ship or vessel into danger.
13. Being an accessory before the fact to any of the above capital offences.

As late as 5th April, 1861, Martin Doyle was hanged at Chester *for an attempted murder* under circumstances of great cruelty. He was the last man to be executed for this offence.

COL. JOHN KERIE of St. Kitts. = ELIZ.

Bur. at St. Tho., Middle Island parish, 3 Aug., 1732. Not in the census of masters in 1707-8.

dau. of Geo. Liddell, Esq., of Montserrat and widow of —— Hawkshaw. Her father, by his Will of 1695, gave her £800 at 18. Her mother rem. Antho. Ravell, Speaker of M.

FRANCIS KERIE of St. Kitts, Esq. = MARY

Bur. 25 June, 1735. Probably brother of Col. John.

Bur. 23 May, 1735.

RAVELL KERIE, Planter. — ELIZ.

A minor, 1726. Living 1804.

dau. of Anthony Wharton, Esq., m. 25 May, 1754. (Her sister, Mary W., m. 1759 John Julius).

3 daus. all married.

JEDEDIAH KERIE, ESQ. = PRISCILLA

of St. Tho., Mid. I. parish, 1753. Parentage unknown.

d. 28 Feb., 1780 a. 59.

HON. JEDEDIAH KERIE, b. 1761 = ELIZ. MARY

B. 14 Feb. and bap. 30 Ap., 1761, of St. Kitts, 1805; of Bath, 1810; d. in Glouc. Pl. 22 Nov., 1846, a. 85. Living in Park Place, Regents Park, in 1826. 1st cousin to his wife.

dau. of John Julius of St. Kitts and Bath, who left her £5000 by his Will of 9 May, 1812. She was alive in 1826. Her brother John was the President, and d. Nov., 1815. (G. Mag. 478).

ELIZ.

b. 17 Ap. and bap. 4 May, 1756, at Trinity Palmetto Point parish. ? bur. 16 Jan., 1758, at St. Tho. Mid. I.

ELIZ.

b. 8 July and bap. 24 Aug., 1758, in St. Tho. Mid. I. p'sh. Married William Fauntleroy, afterwards banker, Berners Street, on 17 June, 1780, and died in Regent Street, 18 April, 1826. Buried at Bunhill Fields, 22 April, 1826.

REV. JOHN JULIUS KERIE, b. 1785

Of Univ. Coll., Oxf. Matric. 18 Oct., 1806, a. 21; B.A., 1810; M.A., 1815. Celebrated a burial at St. Geo. Basseterre in 1820. Rector of Xt. Ch., St. Kitts 1826-40, and later living in St. Christopher in 1826.

JEDEDIAH KERIE, JUN.

co-heir with his bro. John to their uncle John Julius, 1815. Living at Bath, 1826.

ELIZ. MARY KERIE

Living 1826.

HENRY FAUNTLEROY

Banker, Berners Street, hanged at Newgate for forgery, Nov. 30, 1824.

The Kerie Pedigree.

Kindly supplied by Mr. V. L. Oliver, F.S.A.

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